MONTANA LEGISLATIVE HISTORY

Chapter 349 19 93

Bill H _____ S 384 Original bill & history ✓C

H. Committee on State Admin

Hearing Date(s) 3-11 ✓C

3-12 ✓C

_____ ___C

_____ ___C

Date Out _____ ___C

S. Committee on State Admin

Hearing Date(s) 2-18 ✓C

_____ ___C

_____ ___C

_____ ___C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

SB 384 INTRODUCED BY LYNCH, ET AL.

AMEND LAWS RELATING TO REPORTS TO THE LEGISLATURE

BY REQUEST OF LEGISLATIVE COUNCIL

2/12	INTRODUCED		
2/12	REFERRED TO STATE ADMINISTRATION		
2/12	FIRST READING		
2/12	FISCAL NOTE REQUESTED		
2/18	HEARING		
2/18	FISCAL NOTE RECEIVED		
2/19	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/20	FISCAL NOTE PRINTED		
2/22	2ND READING PASSED	48	0
2/23	3RD READING PASSED	49	0
	TRANSMITTED TO HOUSE		
2/23	REFERRED TO STATE ADMINISTRATION		
2/23	FIRST READING		
3/11	HEARING		
3/13	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/27	2ND READING CONCURRED	91	0
3/30	3RD READING CONCURRED	99	0
	RETURNED TO SENATE WITH AMENDMENTS		
4/02	2ND READING AMENDMENTS CONCURRED	47	0
4/03	3RD READING AMENDMENTS CONCURRED	47	0
4/07	SIGNED BY PRESIDENT		
4/07	SIGNED BY SPEAKER		
4/13	TRANSMITTED TO GOVERNOR		
4/16	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 349		
	EFFECTIVE DATE: 10/01/93		

SB 385 INTRODUCED BY VAUGHN, ET AL.

GENERALLY REVISE AND RECODIFY RETIREMENT LAWS

BY REQUEST OF PUBLIC EMPLOYEES' RETIREMENT BOARD

2/12	INTRODUCED		
2/12	REFERRED TO STATE ADMINISTRATION		
2/12	FIRST READING		
2/18	HEARING		
2/18	COMMITTEE REPORT—BILL PASSED		
2/20	2ND READING PASSED	50	0
2/22	3RD READING PASSED	48	0
	TRANSMITTED TO HOUSE		
2/23	REFERRED TO STATE ADMINISTRATION		
2/23	FIRST READING		
3/09	HEARING		
3/10	COMMITTEE REPORT—BILL CONCURRED		
3/13	2ND READING CONCURRED	93	5
3/16	3RD READING CONCURRED	92	6
	RETURNED TO SENATE		
3/24	SIGNED BY PRESIDENT		
3/26	SIGNED BY SPEAKER		
3/29	TRANSMITTED TO GOVERNOR		
4/02	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 265		
	EFFECTIVE DATE: 07/01/93		

SENATE BILL NO. 384

INTRODUCED BY LYNCH, COBB
BY REQUEST OF THE LEGISLATIVE COUNCIL

IN THE SENATE

FEBRUARY 12, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
	FIRST READING.
FEBRUARY 19, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 20, 1993	PRINTING REPORT.
FEBRUARY 22, 1993	SECOND READING, DO PASS.
FEBRUARY 23, 1993	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 49; NOES, 0.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 23, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
	FIRST READING.
MARCH 13, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 27, 1993	SECOND READING, CONCURRED IN.
MARCH 30, 1993	THIRD READING, CONCURRED IN. AYES, 99; NOES, 0.
MARCH 31, 1993	RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

APRIL 2, 1993	SECOND READING, AMENDMENTS CONCURRED IN.
APRIL 3, 1993	THIRD READING, AMENDMENTS CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

Senate BILL NO. 384

INTRODUCED BY Lynda Cobb

BY REQUEST OF THE LEGISLATIVE COUNCIL

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING STATUTES GOVERNING AND REQUIRING REPORTS TO THE LEGISLATURE; REPEALING OBSOLETE OR REDUNDANT REPORTING REQUIREMENTS; SIMPLIFYING AND REDUCING BUDGET PUBLICATION REQUIREMENTS; AMENDING SECTIONS 1-11-204, 2-4-411, 2-7-104, 2-8-208, 2-15-2021, 2-18-209, 2-18-811, 2-18-1103, 3-1-702, 5-11-210, 5-13-304, 5-17-103, 10-4-102, 15-1-205, 17-4-107, 17-5-1650, 17-7-123, 18-7-303, 19-4-201, 20-9-346, 20-25-236, 20-25-301, 33-22-1513, 44-2-304, 53-2-1107, 53-6-110, 53-20-104, 53-21-104, 53-24-204, 53-30-133, 72-16-202, 75-1-203, 75-1-1101, 75-10-704, 76-11-203, 76-12-109, 82-11-161, 87-2-724, 90-3-203, AND 90-4-111, MCA; AND REPEALING SECTIONS 53-24-210, 69-1-404, 80-12-402, 80-12-403, AND 87-5-123, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 5-11-210, MCA, is amended to read:

"5-11-210. Clearinghouse for reports to legislature. (1) For the purposes of this section, "report" means:

~~(a) a document required to be prepared for the legislature as required in any of the sections listed in subsection (10);~~ and

~~(b) unless otherwise provided by law,~~ any other a report required by law to be given to or filed with the legislature.

(2) On or before September 1 of each year preceding the convening of a regular session of the legislature, an entity required to report to the legislature shall provide, in writing, to the executive director of the legislative council:

(a) the final title of the report;

(b) an abstract or description of the contents of the report, not to exceed ~~one-page~~ 100 words;

(c) a recommendation on how many copies of the report should be provided to the legislature;

(d) the reasons why the number of copies recommended is, in the opinion of the reporting entity, the appropriate number of copies; and

(e) an estimated cost for each copy of the report; ~~and~~

~~(f) the date on which the entity will deliver the final, published copies of the report to the legislature.~~

(3) After considering all of the information available about the report, including the number of legislators requesting copies of the report pursuant to subsection (7), the legislative council or the executive director shall, in writing, direct the reporting entity to provide a specific

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number of copies. The number of copies required is at the sole discretion of the legislative council. The legislative council or the executive director may require the reporting entity to mail the copies of the report.

(4) The legislative council may require that the report be submitted in an electronic format useable on the legislature's current computer hardware, in a microform, such as microfilm or microfiche, or in a CD-ROM format, meaning compact disc read-only memory.

(5) Costs of preparing and distributing a report to the legislature, including writing, printing, postage, distribution, and all other costs, accrue to the reporting agency. Costs incurred in meeting the requirements of this section may not accrue to the legislative council.

(6) The executive director of the legislative council shall cause to be prepared a list of all reports required to be presented to the legislature from the list of titles received under subsection (2).

(7) The executive director shall, as soon as possible following a general election, mail to each holdover senator, senator-elect, and representative-elect a list of the titles of the reports, along with the abstracts prepared pursuant to subsection (2)(b)~~,--available--from--the--legislative council~~. The list must include a form on which each member or member-elect receiving the list may indicate the report

or reports that the member or member-elect would like to receive.

(8) The executive director or the legislative council shall make copies of reports requested pursuant to subsection (7) available to those members or members-elect by either requiring that copies be mailed pursuant to subsection (3) or by delivering copies of the reports during the first week of the legislative session.

(9) The executive director of the legislative council may keep as many copies of a report as he~~--considers~~ are necessary~~,~~ and ~~copies-of-the-report-may-be-discarded-at-his discretion~~ discard the rest.

(10) ~~(a)-A-report-to-the-legislature-includes--a--report required---to--be--made--by--a--board,--bureau,--commission, committee,-council,-department,-division,--fund,--authority, or--officer--of-the-state-or-a-local-government-in-1-11-204, 2-4-411,--2-7-104,--2-8-112,--2-8-203,---2-8-207,---2-8-208, 2-15-2021,-2-18-209,-2-18-811,-2-18-1103,-3-1-702,-3-1-1126, 5-5-216,--5-13-304,--5-17-103,-5-18-203,-5-19-1008,-10-4-102, 15-1-205,-17-4-107,-17-5-1650,-18-7-303,-19-4-201,-20-9-346, 20-25-236,--20-25-301,---22-3-107,---23-7-203,---33-22-1513, 37-1-106,----39-6-101,---39-51-407,---44-2-304,---44-13-103, 46-23-316,--53-2-1107,---53-6-110,---53-20-104,---53-21-104, 53-24-204,---53-24-210,---53-30-133,---69-1-404,--72-16-202, 75-1-203,---75-1-1101,---75-7-304,---75-10-533,---75-10-704,~~

~~76-11-203, 76-12-109, 80-7-713, 80-12-402, 82-11-161, 85-1-621, 85-2-105, 87-2-724, 87-5-123, 90-3-203, or 90-4-111.~~

~~(b)~~ The procedure outlined in this section may also be used for a report required to be made to the legislature under the Multistate Tax Compact contained in 15-1-601, the Vehicle Equipment Safety Compact contained in 61-2-201, the Multistate Highway Transportation Agreement contained in 61-10-1101, or the Western Interstate Nuclear Compact contained in 90-5-201."

Section 2. Section 1-11-204, MCA, is amended to read:

"**1-11-204. Duties of code commissioner.** (1) Prior to November 1 immediately preceding each regular legislative session, the code commissioner shall prepare and, ~~as provided in 5-11-210,~~ submit to the legislative council a report, in tabular or other form, indicating the commissioner's recommendations for legislation that will:

(a) eliminate archaic or outdated laws;

(b) eliminate obsolete or redundant wording of laws;

(c) eliminate duplications in law and any laws repealed directly or by implication;

(d) clarify existing laws;

(e) correct errors and inconsistencies within the laws.

(2) The commissioner shall cause to be prepared for publication with the Montana Code Annotated the following

material:

(a) the statutory history of each code section;

(b) annotations of state and federal court decisions relating to the subject matter of the code;

(c) editorial notes, cross-references, and other matter the commissioner considers desirable or advantageous;

(d) the Declaration of Independence;

(e) the Constitution of the United States of America and amendments to the constitution;

(f) acts of congress relating to the authentication of laws and records;

(g) the Organic Act of the Territory of Montana;

(h) The Enabling Act;

(i) The 1972 Constitution of the State of Montana and any amendments to the constitution;

(j) ordinances relating to federal relations and elections;

(k) rules of civil, criminal, and appellate procedure and other rules of procedure the Montana supreme court may adopt; and

(l) a complete subject index, a popular name index, and comparative disposition tables or cross-reference indexes relating sections of the Montana Code Annotated to prior compilations and session laws.

(3) After publication of the Montana Code Annotated,

the code commissioner shall:

(a) annotate, arrange, and prepare for publication all laws of a general and permanent nature enacted at each legislative session and assign catchlines and code section numbers to each new section;

(b) continue to codify, index, arrange, rearrange, and generally update the Montana Code Annotated to maintain an orderly and logical arrangement of the laws in order to avoid future need for bulk revision;

(c) prepare and publish a report entitled "Official Report of the Montana Code Commissioner--(year)" that indicates, in tabular or other form, all changes made during the continuous recodification, other than punctuation, spelling, and capitalization, to clearly indicate the character of each change made since the last report.

(4) From time to time, the commissioner shall confer with members of the judiciary and the state bar relative to recodification procedures."

Section 3. Section 2-4-411, MCA, is amended to read:

"**2-4-411. Report.** The committee ~~shall prepare and, as provided in 5-11-210, submit a report to the legislature and~~ may recommend amendments to the Montana Administrative Procedure Act or the repeal, amendment, or adoption of a rule as provided in 2-4-412 and make other recommendations and reports as it considers advisable."

Section 4. Section 2-7-104, MCA, is amended to read:

"**2-7-104. Revenue estimate -- report to governor and legislature.** The director of revenue shall prepare revenue estimates of state revenue from all sources and shall continuously study fiscal problems and tax structures of state and local governments and submit the studies to the governor and, as ~~provided in 5-11-210,~~ requested, to the legislature, a legislative committee, or a member of the legislature."

Section 5. Section 2-8-208, MCA, is amended to read:

"**2-8-208. Boards or licensing functions instituted by initiative.** (1) If an initiative to establish a new licensing board or to add a new licensing responsibility to the duties of an existing licensing board is approved by the electorate, the committee shall:

(a) review the initiative to assess the degree to which it meets the criteria in 2-8-204(1);

(b) request that the petitioners provide sufficient information from practitioners or other persons to allow the committee to make an assessment as required by 2-8-204(3); and

(c) evaluate the petitioners' initiative in terms of:

(i) clarity and conciseness;

(ii) conformity to existing statutes and principles of administrative law; and

(iii) specificity of the delegation of authority to promulgate rules and set fees.

(2) The committee shall prepare ~~and,--as--provided--in 5-11-210,--submit~~ a report to and make it available for the legislature. The report must include:

(a) the committee's findings with respect to each of the criteria in 2-8-204;

(b) an estimate of the cost to the state of licensing the occupation or profession and a proposed schedule of fees that will cover the cost of the licensing program as required by 37-1-134;

(c) the committee's recommendation as to whether the initiative should be amended; and

(d) if amendments are recommended, a legislative proposal.

(3) Committee recommendations for amendments to the initiative must be incorporated in a bill introduced during the next session of the legislature."

Section 6. Section 2-15-2021, MCA, is amended to read:

"2-15-2021. Gaming advisory council -- allocation -- composition -- compensation -- biennial report. (1) There is a gaming advisory council.

(2) The gaming advisory council is allocated to the department for administrative purposes only as prescribed in 2-15-121.

(3) The gaming advisory council consists of nine members. One member must be from the senate, and one member must be from the house of representatives. The senate committee on committees and the speaker of the house of representatives shall appoint the legislative members of the council. The seven remaining members must be appointed by the department, with one representing the public at large, two representing local governments, one being a Native American, and three representing the gaming industry.

(4) Each gaming advisory council member is appointed to a 3-year term of office, except that three of the first-appointed original members shall serve a 1-year term, three (including both legislative members) shall serve a 2-year term, and three shall serve a 3-year term. A member of the council may be removed for good cause by the appointing body provided for in subsection (3).

(5) The gaming advisory council shall appoint a ~~chairman~~ presiding officer from its members.

(6) Legislative members of the gaming advisory council are entitled to compensation and expenses, as provided in 5-2-302, while the council is meeting. The remaining members are entitled to travel, meals, and lodging expenses as provided for in 2-18-501 through 2-18-503. Expenses of the council must be paid from licensing fees received by the department.

(7) The gaming advisory council shall, within its authorized budget, hold meetings and incur expenses as it considers necessary to study all aspects of gambling in the state.

(8) (a) The gaming advisory council shall submit a biennial report to the department, at a time designated by the department, with recommendations for amendments to the gambling statutes, the need for additional or modified department rules, the clarification of existing rules, and other recommendations on the operation of the department or any other gambling-related matter.

(b) The biennial report required under subsection (8)(a) must be affixed to the report on gambling in the state that the department submits that year. ~~The department and council shall, as provided in 5-11-210, submit the two most recent department and council reports to the legislature.~~

(c) The council may submit interim reports to the department as the council considers necessary.

(d) The council shall meet with the department upon request of the department.

(e) The department shall meet with the council upon request of the council.

(9) The department shall give each council member notice and a copy of each proposed change in administrative

rules relating to gambling. The notice and copy must be given at the time a notice of proposed rules changes is filed with the secretary of state. The council shall review the proposal, may comment on it, and may attend any hearing on the proposal. The department shall consider any comment by any council member or by the council as a whole prior to adopting the proposed change."

Section 7. Section 2-18-209, MCA, is amended to read:

"2-18-209. Status--report Periodic evaluation. The department of administration shall, ~~as provided in 5-11-210, report to the legislature the status of the study of the comparable worth standard and~~ periodically evaluate the extent to which Montana's classification plan, and pay schedules, and statutes adhere to or fall short of the standard of equal pay for comparable worth. The department ~~shall~~ may make recommendations to the legislature ~~as to what~~ regarding impediments ~~exist~~ to meeting this standard. ~~The department shall continue to make such reports until the standard is met.~~"

Section 8. Section 2-18-811, MCA, is amended to read:

"2-18-811. General duties of the department. The department shall:

(1) adopt rules for the conduct of its business under this part and to carry out the purposes of this part;

(2) negotiate and administer contracts for state

employee group benefit plans;

(3) design state employee group benefit plans, establish specifications for bids, and make recommendations for acceptance or rejection of bids;

(4) prepare an annual report which describes the state employee group benefit plans being administered, details the historical and projected program costs and the status of reserve funds, and makes recommendations, if any, for change in existing state employee group benefit plans;

(5) prior to each legislative session, perform or obtain an analysis of rate adequacy of all state employee group benefit plans administered under this part; and

(6) ~~as-provided-in-5-11-210,~~ submit the report required in this section ~~to-the-legislature~~ to the office of budget and program planning as a part of the information required by 17-7-111."

Section 9. Section 2-18-1103, MCA, is amended to read:

"**2-18-1103. Powers and duties of the department.** The department shall:

(1) adopt rules to equitably administer the employee incentive award program;

(2) provide an opportunity for all employees to participate in the program;

(3) assist agencies in making incentive awards under the program;

(4) grant or deny incentive awards in consultation with the incentive awards advisory council and determine the amount of each incentive award based on first-year monetary savings;

(5) hear appeals from employees on the operation of the program;

(6) prepare and submit, ~~as-provided-in-5-11-210,-a-biennial-report-to-the-legislature-containing~~ as a part of the information required by 17-7-111, a list of incentive awards and the corresponding savings to the state resulting from each employee's suggestion or invention and providing a general review of and recommendations for improving the program; and

(7) send a copy of all suggestions or inventions submitted under this program to the office of the legislative fiscal analyst."

Section 10. Section 3-1-702, MCA, is amended to read:

"**3-1-702. Duties.** The court administrator is the administrative officer of the court. Under the direction of the supreme court, the court administrator shall:

(1) prepare and present judicial budget requests to the legislature;

(2) collect, compile, and report statistical and other data relating to the business transacted by the courts and provide the information to the legislature ~~pursuant-to~~

~~5-11-210~~ on request;

(3) recommend to the supreme court improvements in the judiciary;

(4) administer state funding for district courts as provided in chapter 5, part 9; and

(5) perform such other duties as that the supreme court may assign."

Section 11. Section 5-13-304, MCA, is amended to read:

"5-13-304. Powers and duties. The legislative auditor shall:

(1) conduct a financial and compliance audit of every state agency every 2 years covering the 2-year period since the last audit, unless otherwise required by state law;

(2) conduct a special audit whenever he the legislative auditor determines it necessary and shall so advise the members of the legislative audit committee;

(3) make a complete written report of each audit. A copy of each report ~~shall~~ must be furnished to the department of administration, the state agency which was audited, each member of the committee, and the legislative council.

(4) report immediately in writing to the attorney general and the governor any apparent violation of penal statutes disclosed by the audit of a state agency and furnish the attorney general with all information ~~in his~~

possession available relative to the violation;

(5) report immediately in writing to the governor any instances of misfeasance, malfeasance, or nonfeasance by a state officer or employee disclosed by the audit of a state agency;

(6) report immediately to the surety upon the bond of an official or employee when an audit discloses a shortage in the accounts of the official or employee. Failure to notify the surety does not release the surety from any obligation under the bond.

~~(7)--report--to--the--legislature--as--provided--in--5-11-210;--The--report--shall--contain,--among--other--things,--copies--of--or--summaries--of--audit--reports--on--state--agencies--and--any--recommendations--relating--to--such--reports;~~

~~(8)~~(7) have the authority to audit records of organizations and individuals receiving grants from or on behalf of the state to determine that the grants are administered in accordance with the grant terms and conditions. Whenever a state agency enters into an agreement to grant resources under its control to others, the agency ~~must~~ shall obtain the written consent of the grantee to the audit provided for in this subsection."

Section 12. Section 5-17-103, MCA, is amended to read:

"5-17-103. Report to legislature. The committee ~~shall~~ may prepare a written report of its activities and

recommendations and present the report to the legislature as provided in 5-11-210 for the purpose of assisting the legislature in determining if ~~such~~ the recommendations should be implemented. To prepare its report and recommendations, the committee may receive assistance from the legislative council."

Section 13. Section 10-4-102, MCA, is amended to read:

"10-4-102. Department of administration duties and powers. (1) The department shall assist in the development of 9-1-1 systems in the state. The department shall:

(a) establish procedures for determining and evaluating requests for variations from minimum 9-1-1 service;

(b) upon request of a 9-1-1 jurisdiction, assist in planning an emergency 9-1-1 telephone system;

(c) establish criteria for evaluating plans;

(d) monitor implementation of approved plans for compliance with the plan and use of funding; and

(e) ~~as-provided-in-5-11-210,~~ as it finds necessary, report to the legislature the progress made in implementing a statewide emergency telephone system.

(2) The department shall obtain input from all 9-1-1 jurisdictions by creating an advisory council to participate in development and implementation of the 9-1-1 program in the state. The council must be established pursuant to 2-15-122. The highway patrol, emergency medical services

organizations, telephone companies, the associated public safety communicators, the department of emergency services, police departments, sheriff's departments, local citizens, organizations, and other public safety organizations may submit recommendations for membership on the advisory council."

Section 14. Section 15-1-205, MCA, is amended to read:

"15-1-205. Biennial report -- contents. (1) The department shall transmit to the governor 20 days before the meeting of the legislature and, ~~as provided in 5-11-210,~~ ~~submit~~ make available to the legislature a report of the department showing all the taxable property of the state, counties, and cities and its value, in tabulated form, with recommendations for improvements in the system of taxation, together with alternative measures as may be formulated for the consideration of the legislature. The department shall follow the provisions of 5-11-210 in preparing the report.

(2) The report or supplements to the report may also include:

(a) the gross dollar amount of revenue loss attributable to:

(i) personal income and corporation license tax exemptions;

(ii) property tax exemptions for which application to the department or its agent is necessary;

(iii) deferral of income;

(iv) credits allowed against Montana personal income tax or Montana corporation license tax, reported separately;

(v) deductions from income; and

(vi) any other identifiable preferential treatment of income or property;

(b) any change in tax revenue of the state or any unit of local government attributable to a change in federal tax law; and

(c) any change in the revenue of any unit of local government attributable to a change in state tax law.

(3) The data described in subsection (2), if reported, must be related to the income and age of the taxpayer whenever ~~such~~ the information is available.

(4) (a) When reporting the data described in subsection (2)(a), the department shall identify any known purpose of the preferential treatment.

(b) Based upon the purpose of the preferential treatment, the department shall outline the available data necessary to determine the effectiveness of the preferential treatment.

(5) In reporting the data described in subsection (2), the department shall report any comparable data, if available, from Wyoming, Idaho, North Dakota, and South Dakota and from any other state the department may choose.

(6) The department must identify in a separate section of the report any changes that have been made or that are contemplated in property appraisal or assessment.

(7) The department may include a report showing the selling price of gasoline at the wholesale level in prime market centers of Montana and in surrounding states during the biennium, with indexes tabulated at sufficient intervals to show the comparative state price structures.

(8) The department shall include the inheritance tax information required by 72-16-202 in a separate section of the report."

Section 15. Section 17-4-107, MCA, is amended to read:

"17-4-107. Write-off procedures. (1) The state auditor may establish procedures for canceling and writing off accounts receivable carried on the books of the various state agencies ~~which~~ that have been transferred to ~~him~~ the state auditor's office pursuant to 17-4-104 and ~~which~~ that are uncollectible or the continued pursuance of the collection ~~thereof~~ of accounts would cost the state more than the amount collected. ~~Such~~ The procedures ~~shall~~ must be established in accordance with subsection (2).

(2) The department of administration may establish procedures for canceling and writing off accounts receivable carried on the books of various state agencies which are uncollectible or the continued pursuance of the collection

would cost the state more than the amount collected. ~~Such~~ The procedures ~~shall~~ must include the reporting~~, as provided in 5-11-210~~ to the budget director of any canceling and writing off of accounts receivable."

Section 16. Section 17-5-1650, MCA, is amended to read:

"17-5-1650. Annual report. By December 31 of each year, the board shall publish a financial report for distribution to the governor, the legislature ~~as provided in 5-11-210~~, and the public. Distribution to the legislature is accomplished by providing two copies to the office of the legislative fiscal analyst, two copies to the legislative council, and a copy to a legislator on request. The report must include a statement of the board's current financial position with respect to its activities under this part, a summary of its activities pursuant to this part during the previous year (including a listing of the local governmental securities purchased by the board, a listing of the bonds and notes sold by the board, and a summary of the performance of any other investments of the board's funds received under this part), an estimate of the levels of ~~such~~ activities for the next year, and a comparison of ~~such~~ the activities during the previous year with the estimates of those activities that were made in the previous annual report."

Section 17. Section 17-7-123, MCA, is amended to read:

"17-7-123. Form of executive budget. The budget submitted ~~shall~~ must set forth a balanced financial plan for the state government for each fiscal year of the ensuing biennium, which plan ~~shall~~ must consist of:

(1) a consolidated budget summary setting forth the aggregate figures of the budget in ~~such~~ a manner ~~as to~~ that shows ~~show~~ a balance between the total proposed disbursements and the total anticipated receipts, together with the other means of financing the budget for each fiscal year of the ensuing biennium, contrasted with the corresponding figures for the last completed fiscal year and the fiscal year in progress. The consolidated budget summary ~~shall~~ must be supported by explanatory schedules or statements, classifying receipts and disbursements contained therein by fund and, ~~where~~ when applicable, organizational unit;

(2) an analysis of the actual and projected receipts, disbursements, and solvency of each accounting entity within each fund for the current and subsequent biennium;

(3) a detailed analysis of receipts by accounting entity within fund indicating classification and source of funds;

(4) a departmental analysis summarizing past and proposed spending plans by agency and the means of financing the proposed plan. Information presented ~~shall~~ must include

the following:

(a) a ~~statement~~ summary of departmental goals and objectives and a statement of goals and objectives for each program of the department;

(b) actual disbursements for the completed fiscal year of the current biennium, estimated disbursements for the current fiscal year, and the current funding level and the modified funding level, if any, for each department and each program of the department~~.~~ ~~The funding levels must show the number of employees who were given a pay grade change under the pay schedule adopted pursuant to 2-18-303 and the net cost to the agency for such grade changes for the biennium. The changes must be listed in tabular form by:~~

~~(i) position description;~~

~~(ii) grade assigned prior to the completed fiscal year;~~

~~(iii) grade assigned during the completed fiscal year;~~

~~(iv) grade assigned during the current fiscal year;~~

~~(v) recommended grade for the ensuing biennium;~~

~~(vi) dollar difference for the upgrade or downgrade for each position; and~~

~~(vii) net cost to the agency for grade changes;~~

~~(c) actual disbursements for the completed fiscal year of the current biennium, estimated disbursements for the current fiscal year, and governor's recommendations for the ensuing biennium by program;~~

~~(d) actual disbursements for the completed fiscal year of the current biennium, estimated disbursements for the current fiscal year, and governor's recommendations for the ensuing biennium by disbursement category; and~~

~~(e)~~(c) a statement containing ~~further~~ recommendations of the governor for the ensuing biennium by program and disbursement category and other matters considered ~~should he deem it~~ necessary; and

(5) detailed recommendations for the state long-range building program. Each recommendation ~~shall~~ must be presented by department, institution, agency, or branch by funding source, with a description of each proposed project. An appropriation measure ~~shall~~ must be presented by project, source of funding, and department, agency, institution, or branch for which the project is primarily intended.

~~(6) appropriation measures detailed by program, fund, and accounting entity, authorizing disbursements and related restrictions thereto by department, institution, or agency of the state."~~

NEW SECTION. **Section 18.** Additional budget data. In addition to the budget required in 17-7-123, the governor shall prepare and make available on request:

(1) a departmental analysis summarizing past and proposed spending plans by agency and the means of financing the proposed plan. Information available must include the

following:

(a) a statement of departmental goals and objectives and a statement of goals and objectives for each program of the department; and

(b) schedules showing the number of employees who were given a pay grade change under the pay schedule implemented pursuant to 2-18-303 and the net cost to the agency for the grade changes for the biennium. The changes must be listed in tabular form by:

(i) position description;

(ii) grade assigned prior to the completed fiscal year;

(iii) grade assigned during the completed fiscal year;

(iv) grade assigned during the current fiscal year;

(v) recommended grade for the ensuing biennium;

(vi) dollar difference for the upgrade or downgrade for each position; and

(vii) net cost to the agency for grade changes.

(2) appropriation measures detailed by program, fund, and accounting entity, authorizing disbursements and related restrictions by department, institution, or agency of the state; and

(3) information submitted by agencies as required by 17-7-111.

Section 19. Section 18-7-303, MCA, is amended to read:

"**18-7-303. Duties of committee.** The committee shall:

(1) adopt standards for the efficient and economical publication of public documents;

(2) review proposals for publishing of all public documents prior to publication to determine:

(a) that the publication is necessary; and

(b) that the publication meets the standards of efficient and economical publication; and

(3) at its discretion, prepare a report for submission to the legislature~~, as provided in 5-11-210~~, detailing the savings to state government resulting from this part."

Section 20. Section 19-4-201, MCA, is amended to read:

"**19-4-201. Administration by retirement board.** The retirement board shall administer and operate the retirement system within the limitations prescribed by this chapter, and to this end, it is the duty of the retirement board to:

(1) establish rules necessary for the proper administration and operation of the retirement system;

(2) approve or disapprove all expenditures necessary for the proper operation of the retirement system;

(3) keep a record of all its proceedings, which must be open to public inspection;

(4) ~~publish a biennial report by January 1 of each year the legislature meets--which--reports--in--detail~~ submit a report to the office of budget and program planning as a part of the information required by 17-7-111, detailing the

fiscal transactions for the 2 fiscal years immediately preceding the report due date, the amount of the accumulated cash and securities of the retirement system, and the last fiscal year balance sheet showing the assets and liabilities of the retirement system ~~and submit the biennial report to the governor and, as provided in 5-11-210, to the legislature~~;

(5) keep in convenient form that data which is necessary for actuarial valuation of the various funds of the retirement system and for checking the experience of the retirement system;

(6) prepare an annual valuation of the assets and liabilities of the retirement system;

(7) prescribe a form for membership application which will provide adequate and necessary information for the proper operation of the retirement system;

(8) annually determine the rate of regular interest as prescribed in 19-4-501;

(9) establish and maintain the funds of the retirement system in accordance with the provisions of part 6 of this chapter; and

(10) perform such other duties and functions as are required to properly administer and operate the retirement system."

Section 21. Section 20-9-346, MCA, is amended to read:

"20-9-346. Duties of the superintendent of public instruction for state equalization aid distribution. The superintendent of public instruction shall administer the distribution of the state equalization aid by:

(1) establishing the annual entitlement of each district and county to state equalization aid, based on the data reported in the retirement and general fund budgets for each district that have been duly adopted for the current school fiscal year and verified by the superintendent of public instruction and by applying the verified data under the provisions of the state equalization aid allocation procedure prescribed in 20-9-347;

(2) distributing by state warrant or electronic transfer the state equalization aid and state advances for county equalization, for each district or county entitled to the aid, to the county treasurer of the respective county or county where the district is located, in accordance with the distribution ordered by the board of public education;

(3) keeping a record of the full and complete data concerning money available for state equalization aid, state advances for county equalization, and the entitlements for state equalization aid of the districts of the state;

(4) reporting to the board of public education the estimated amount that will be available for state equalization aid; and

(5) reporting to the ~~legislature--as---provided---in 5-11-210~~ office of budget and program planning as provided in 17-7-111:

(a) the figures and data available concerning distributions of state equalization aid during the preceding 2 school fiscal years;

(b) the amount of state equalization aid then available;

(c) the apportionment made of the available money but not yet distributed;

(d) the latest estimate of accruals of money available for state equalization aid; and

(e) the amount of state advances and repayment for county equalization."

Section 22. Section 20-25-236, MCA, is amended to read:

"20-25-236. Report to legislature. The Montana agricultural experiment station and the cooperative extension service ~~shall~~ may, as provided in 5-11-210, report to the legislature regarding the expenditures, activities, and outcomes of the program provided for in 20-25-233 through 20-25-236."

Section 23. Section 20-25-301, MCA, is amended to read:

"20-25-301. Regents' powers and duties. The board of regents of higher education shall serve as regents of the Montana university system, shall use and adopt this style in

all its dealings ~~therewith~~ with the university system, and shall:

(1) have general control and supervision of the units of the Montana university system, which ~~shall--be~~ is considered for all purposes one university;

(2) adopt rules, not inconsistent with the constitution and the laws of the state, for its own government which are proper and necessary for the execution of the powers and duties conferred upon it by law;

(3) provide, subject to the laws of the state, rules for the government of the system;

(4) grant diplomas and degrees to the graduates of the system upon the recommendation of the faculties and have discretion to confer honorary degrees upon persons other than graduates upon the recommendation of the faculty of ~~such~~ the institutions;

(5) keep a record of its proceedings;

(6) have, when not otherwise provided by law, control of all books, records, buildings, grounds, and other property of the system;

(7) receive from the board of land commissioners, other boards, persons, or from the government of the United States all funds, incomes, and other property the system may be entitled to and use and appropriate the property for the specific purpose of the grant or donation;

(8) have general control of all receipts and disbursements of the system;

(9) appoint a president and faculty for each of the institutions of the system, appoint any other necessary officers, agents, and employees, and fix their compensation;

(10) confer upon the executive board of each of the units of the system such authority as that may be deemed considered expedientrelating to immediate control and management, other than authority relating to financial matters or the selection of the teachers, employees, and faculty;

(11) confer, at the regents' discretion, upon the president and faculty of each of the units of the system for the best interest of the unit such authority relating to the immediate control and management, other than financial, and the selection of teachers and employees;

(12) prevent unnecessary duplication of courses at the units of the system;

(13) appoint a certified professional geologist or registered mining engineer as the director of the Montana state bureau of mines and geology, who ~~shall--be--designated~~ is the state geologist, and appoint any other necessary assistants and employees and fix their compensation. ~~The regents-shall-prepare-and,-as-provided-in-5-11-210,-submit-a report--to--each--regular-session-of-the-legislature-showing~~

~~the-progress-and-condition--of--the--bureau,--including--any other-necessary-or-required-information.~~

(14) supervise and control the agricultural experiment station, along with any executive or subordinate board or authority which may be appointed by the governor with the advice and consent of the regents;

(15) adopt a seal bearing on its face the words "Montana university system", which must be affixed to all diplomas and all other papers, instruments, or documents which may require it;

(16) assure an adequate level of security for data and information technology resources, as defined in 2-15-102, within the state university system. In carrying out this responsibility, the board of regents shall, at a minimum, address the responsibilities prescribed in 2-15-114."

Section 24. Section 33-22-1513, MCA, is amended to read:

"33-22-1513. Operation of association plan. (1) Upon acceptance by the lead carrier under 33-22-1516, an eligible person may enroll in the association plan by payment of the association plan premium to the lead carrier.

(2) Not less than 88% of the association plan premiums paid to the lead carrier may be used to pay claims and not more than 12% may be used for payment of the lead carrier's direct and indirect expenses as specified in 33-22-1514.

(3) Any income in excess of the costs incurred by the association in providing reinsurance or administrative services must be held at interest and used by the association to offset past and future losses due to claims expenses of the association plan or be allocated to reduce association plan premiums.

(4) (a) Each participating member of the association shall share the losses due to claims expenses of the association plan for plans issued or approved for issuance by the association and shall share in the operating and administrative expenses incurred or estimated to be incurred by the association incident to the conduct of its affairs. Claims expenses of the association plan that exceed the premium payments allocated to the payment of benefits are the liability of the association members. Association members shall share in the claims expenses of the association plan and operating and administrative expenses of the association in an amount equal to the ratio of the association member's total disability insurance premium received from or on behalf of Montana residents divided by the total disability insurance premium received by all association members from or on behalf of Montana residents as determined by the commissioner.

(b) For purposes of this subsection (4), "total disability insurance premium" does not include premiums

received from disability income insurance, credit disability insurance, disability waiver insurance, or life insurance.

(5) The association shall make an annual determination of each association member's liability, if any, and may make an annual fiscal yearend assessment if necessary. The association may also, subject to the approval of the commissioner, provide for interim assessments against the association members as may be necessary to assure the financial capability of the association in meeting the incurred or estimated claims expenses of the association plan and operating and administrative expenses of the association until the association's next annual fiscal yearend assessment. Payment of an assessment is due within 30 days of receipt by an association member of a written notice of a fiscal yearend or interim assessment. Failure by a contributing member to tender to the association the assessment within 30 days is grounds for termination of membership. An association member that ceases to do disability insurance business within the state remains liable for assessments through the calendar year during which disability insurance business ceased. The association may decline to levy an assessment against an association member if the assessment, as determined pursuant to this section, would not exceed $10.

(6) Any annual fiscal yearend or interim assessment

levied against an association member may be offset, in an amount equal to the assessment paid to the association, against the premium tax payable by that association member pursuant to 33-2-705 for the year in which the annual fiscal yearend or interim assessment is levied. The insurance commissioner ~~shall, as provided in 5-11-210, report to the legislature~~ report to the office of budget and program planning, as a part of the information required by 17-7-111, the total amount of premium tax offset claimed by association members during the preceding biennium."

Section 25. Section 44-2-304, MCA, is amended to read:

"44-2-304. Report by attorney general. The attorney general shall prepare submit, as a part of the information required by 17-7-111, a report in detail covering the operations of the communications network, the accounting of all ~~moneys~~ money received and expended, and the need to expand or improve the system. ~~As provided in 5-11-210, he shall submit the report to the legislature.~~"

Section 26. Section 53-2-1107, MCA, is amended to read:

"53-2-1107. Job training plan -- requirements. (1) Each private industry council shall prepare for the service delivery area a job training plan that has been prepared in accordance with this part and sections 103 through 105 of the Job Training Partnership Act (29 U.S.C. 1513 through 1515).

(2) Each job training plan must include:

(a) the council's priorities for services and groups to be served within the service delivery area;

(b) procedures to be used in identifying and selecting program participants and in determining and verifying their eligibility;

(c) the type of services and training to be provided, including the estimated cost per participant;

(d) criteria for evaluating the content and quality of services and training;

(e) performance standards as required under 53-2-1108;

(f) procedures for selecting service providers as required under section 107 of the Job Training Partnership Act (29 U.S.C. 1517);

(g) a plan for the coordination of services and training with other programs as required in 53-2-1109;

(h) a procedure for preparing and submitting to the governor ~~and, as provided in 5-11-210, if practical, the legislature~~ an annual report that describes the activities conducted in the service delivery area during the program year and the extent to which activities exceeded or failed to meet the performance standards adopted in the job training plan; and

(i) all other information required under section 104 of the Job Training Partnership Act (29 U.S.C. 1514)."

Section 27. Section 53-6-110, MCA, is amended to read:

"53-6-110. Report and recommendations to legislature on medicaid funding. (1) At the commencement of each legislative session As a part of the information required in 17-7-111, the department of social and rehabilitation services shall submit a report, as provided in 5-11-210, to the legislature concerning medicaid funding for the next biennium. This report must include at least the following elements:

(a) analysis of past and present funding levels for the various categories and types of health services eligible for medicaid reimbursement;

(b) projected increased medicaid funding needs for the next biennium. These projections shall must identify the effects of projected population growth and demographic patterns on at least the following elements:

(i) trends in unit costs for services, including inflation;

(ii) trends in use of services;

(iii) trends in medicaid recipient levels; and

(iv) the effects of new and projected facilities and services for which a need has been identified in the state health plan prepared pursuant to 42 U.S.C. 300m-2(a)(2).

(2) As an integral part of the report, the department of social and rehabilitation services shall present a

recommendation of funding levels for the medicaid program. The recommendation need not be consistent with the state health plan.

(3) In arriving at the projections and recommendation required in subsections (1) and (2), the department of social and rehabilitation services shall consult with the department of health and environmental sciences.

(4) In making its appropriations for medicaid funding, the legislature shall specify the portions of medicaid funding anticipated to be allocated to specific categories and types of health care services."

Section 28. Section 53-20-104, MCA, is amended to read:

"53-20-104. Powers and duties of mental disabilities board of visitors. (1) The board is an independent board of inquiry and review to ensure that the treatment of all persons admitted to a residential facility is humane and decent and meets the requirements set forth in this part.

(2) The board shall review all plans for experimental research or hazardous treatment procedures involving persons admitted to a residential facility to ensure that the research project is humane and not unduly hazardous and that it complies with the principles of the statement on the use of human subjects for research of the American association on mental deficiency and with the principles for research involving human subjects required by the United States

department of health and human services. An experimental research project involving persons admitted to a residential facility affected by this part may not be commenced unless it is approved by the mental disabilities board of visitors.

(3) The board shall investigate all cases of alleged mistreatment of a resident.

(4) The board shall at least annually inspect every residential facility that is providing a course of residential habilitation and treatment to any person pursuant to this part. The board shall inspect the physical plant, including residential, recreational, dining, and sanitary facilities. It shall visit all wards and treatment or habilitation areas. The board shall inquire concerning all habilitation programs being implemented by the facility.

(5) The board shall inspect the file of each person admitted to a residential facility pursuant to this part to ensure that a habilitation plan exists and is being implemented. The board shall inquire concerning all use of restraints, isolation, or other extraordinary measures.

(6) The board may assist a resident at a residential facility in resolving any grievance he the resident may have concerning his the resident's admission or his course of treatment and habilitation in the facility.

(7) If the board believes that a facility is failing to comply with the provisions of this part in regard to its

physical facilities or its treatment of any resident, it shall report its findings at once to the superintendent of the facility and the director of the department of corrections and human services. If appropriate, after waiting a reasonable time for a response from the superintendent or the director, the board may notify the parents or guardian of the resident involved, the next of kin, if known, the responsible person appointed by the court for the resident involved, and the district court that has jurisdiction over the facility.

(8) The board shall report annually to the governor and ~~shall,--as--provided--in-5-11-210,-report-to-the-legislature~~ concerning the status of the residential facilities and habilitation programs that it has inspected."

Section 29. Section 53-21-104, MCA, is amended to read:

"53-21-104. Powers and duties of mental disabilities board of visitors. (1) The board ~~shall-be~~ is an independent board of inquiry and review to assure that the treatment of all persons either voluntarily or involuntarily admitted to a mental facility is humane and decent and meets the requirements set forth in this part.

(2) The board shall review all plans for experimental research involving persons admitted to a mental health facility to assure that the research project is humane and not unduly hazardous and that it complies with the

principles of the statement on the use of human subjects for research of the American association on mental deficiency and with the principles for research involving human subjects required by the United States department of health, education, and welfare. No An experimental research project involving persons admitted to a mental health facility affected by this part may not be commenced unless it is approved by the mental disabilities board of visitors.

(3) The board shall at least annually inspect every mental health facility which is providing treatment and evaluation to any person pursuant to this part. The board shall inspect the physical plant, including residential, recreational, dining, and sanitary facilities. It shall visit all wards and treatment areas. The board shall inquire concerning all treatment programs being implemented by the facility.

(4) The board shall annually insure that a treatment plan exists and is being implemented for each patient admitted or committed to a mental health facility under this part. The board shall inquire concerning all use of restraints, isolation, or other extraordinary measures.

(5) The board may assist any patient at a mental health facility in resolving any grievance he the patient may have concerning his the patient's commitment or his course of treatment in the facility.

(6) The board shall employ and be responsible for full-time legal counsel at the state hospital, whose responsibility ~~shall be~~ is to act on behalf of all patients at the institution. The board shall insure that there is sufficient legal staff and facilities to insure availability to all patients and shall require that the appointed counsel periodically interview every patient and examine ~~his~~ the patient's files and records. The board may employ additional legal counsel for representation of patients in a similar manner at any other mental health facility having inpatient capability.

(7) If the board believes that any facility is failing to comply with the provisions of this part in regard to its physical facilities or its treatment of any patient, it shall report its findings at once to the professional person in charge of the facility and the director of the department, and if appropriate, after waiting a reasonable time for a response from ~~such~~ the professional person, the board may notify the next of kin or guardian of any patient involved, the friend of respondent appointed by the court for any patient involved, and the district court which has jurisdiction over the facility.

(8) The board shall report annually to the governor ~~and shall, as provided in 5-11-210, report to the legislature~~ concerning the status of the mental health facilities and

treatment programs which it has inspected."

Section 30. Section 53-24-204, MCA, is amended to read:

"**53-24-204. Powers and duties of department.** (1) To carry out this chapter, the department may:

(a) accept gifts, grants, and donations of money and property from public and private sources;

(b) enter into contracts;

(c) acquire and dispose of property.

(2) The department shall:

(a) approve treatment facilities as provided for in 53-24-208;

(b) prepare a comprehensive long-term state chemical dependency plan every 4 years and update this plan each biennium.; ~~These updates or any part thereof may be included in the department's report to the legislature required in 53-24-210.~~

(c) provide for and conduct statewide service system evaluations;

(d) distribute state and federal funds to the counties for approved treatment programs in accordance with the provisions of 53-24-206;

(e) plan in conjunction with approved programs and provide for training of program personnel delivering services to chemically dependent persons;

(f) establish criteria to be used for the development

of new programs;

(g) certify and establish standards for the certification of:

(i) chemical dependency counselors; and

(ii) instructors providing chemical dependency educational courses;

(h) encourage planning for the greatest utilization of funds by discouraging duplication of services, encouraging efficiency of services through existing programs, and encouraging rural counties to form multicounty districts or contract with urban programs for services;

(i) cooperate with the board of pardons in establishing and conducting programs to provide treatment for chemically dependent and intoxicated persons in or on parole from penal institutions;

(j) establish standards for chemical dependency educational courses provided by state-approved treatment programs and approve or disapprove the courses; and

(k) assist all interested public agencies and private organizations in developing education and prevention programs for chemical dependency."

Section 31. Section 53-30-133, MCA, is amended to read:

"**53-30-133. Administration of prison industries training program.** (1) (a) The prison industries training program need not be a self-supporting program. The

department of corrections and human services may enter into contracts and establish prices for products or services produced by this program. Within budgetary restrictions, the department shall establish prices that tend to maximize the amount of work available for inmates. All revenue raised through the program may be used only for the program.

(b) State agencies, local governments, school districts, authorities, and other local government entities are encouraged to explore the possibilities of using the prison industries training program. State agencies shall cooperate with the department of corrections and human services in notifying governmental entities within the state of the program and of the services and products that are available.

(2) (a) The department of corrections and human services shall adopt rules implementing this program and ~~shall,--as--provided--in-5-11-210,-report-to-the-legislature its-continuing-plans--and--recommendations--in--implementing this--program~~. Any price lists established by the department are exempt from the provisions of Title 2, chapter 4 (the Montana Administrative Procedure Act), but the department may, if it considers it an effective method of dissemination, publish ~~such~~ the price lists in the Montana Administrative Register or the Administrative Rules of Montana, or both.

(b) The department of corrections and human services is subject to program audits of the prison industries training program by the legislative auditor."

Section 32. Section 72-16-202, MCA, is amended to read:

"**72-16-202. Report to governor and legislature.** The department of revenue shall biennially report ~~to---the governor--and,--as--provided-in-5-11-210,-to-the-legislature~~ the general result of its labors and investigations in inheritance tax matters during the previous biennial period, together with specific reports of the several counties where the administration of the inheritance tax laws has been lax and unsatisfactory, with ~~such~~ recommendations for action by the legislature as the department considers advisable and proper. The report required in this section must be consolidated with and made a part of the biennial report submitted by the department of revenue under 15-1-205."

Section 33. Section 75-1-203, MCA, is amended to read:

"**75-1-203. Fee schedule -- maximums.** (1) In prescribing fees to be assessed against applicants for a lease, permit, contract, license, or certificate as specified in 75-1-202, an agency may adopt a fee schedule which may be adjusted depending upon the size and complexity of the proposed project. No A fee may not be assessed unless the application for a lease, permit, contract, license, or certificate will result in the agency incurring expenses in excess of $2,500

to compile an environmental impact statement.

(2) The maximum fee that may be imposed by an agency ~~shall~~ may not exceed 2% of any estimated cost up to $1 million, plus 1% of any estimated cost over $1 million and up to $20 million, plus 1/2 of 1% of any estimated cost over $20 million and up to $100 million, plus 1/4 of 1% of any estimated cost over $100 million and up to $300 million, plus 1/8 of 1% of any estimated cost in excess of $300 million.

(3) If an application consists of two or more facilities, the filing fee ~~shall~~ must be based on the total estimated cost of the combined facilities. The estimated cost ~~shall~~ must be determined by the agency and the applicant at the time the application is filed.

(4) Each agency shall review and revise its rules imposing fees as authorized by this part at least every 2 years. ~~Furthermore, each agency shall, pursuant to 5-11-210, provide the legislature with a complete report on the fees collected prior to the time that a request for an appropriation is made to the legislature.~~"

Section 34. Section 75-1-1101, MCA, is amended to read:

"75-1-1101. Environmental contingency account objectives. (1) There is created an environmental contingency account within the state special revenue fund established in 17-2-102. The environmental contingency

account is controlled by the governor.

(2) At the beginning of each biennium, $175,000 must be allocated to the environmental contingency account from the interest income of the resource indemnity trust fund with the following exceptions:

(a) if at the beginning of any biennium the unobligated cash balance in the environmental contingency account equals or exceeds $750,000, no allocation will be made; and

(b) if at the beginning of any biennium the unobligated cash balance in the environmental contingency account is less than $750,000, then an amount less than or equal to the difference between the unobligated cash balance and $750,000, but not to exceed $175,000, must be allocated to the environmental contingency account from the interest income of the resource indemnity trust fund.

(3) Funds are statutorily appropriated, as provided in 17-7-502, from the environmental contingency account upon the authorization of the governor to meet unanticipated public needs consistent with the following objectives:

(a) to support water development projects in communities that face an emergency or imminent need for such the services or to prevent the physical failure of a water project;

(b) to preserve vegetation, water, soil, fish, wildlife, or other renewable resources from an imminent

physical threat or during an emergency, not including:

(i) natural disasters adequately covered by other funding sources; or

(ii) fire;

(c) to respond to an emergency or imminent threat to persons, property, or the environment caused by mineral development; and

(d) to fund the environmental quality protection fund provided for in 75-10-704 or to take other necessary actions, including the construction of facilities, to respond to actual or potential threats to persons, property, or the environment caused by hazardous wastes or other hazardous materials.

(4) Interest from funds in the environmental contingency account accrues to the resource indemnity trust interest account.

(5) The governor shall~~,--as-provided-in-5-11-210,-submit-to--the--legislature~~ submit, as a part of the information required by 17-7-111, a complete financial report on the environmental contingency account, including a description of all expenditures made since the preceding report."

Section 35. Section 75-10-704, MCA, is amended to read:

"**75-10-704. Environmental quality protection fund.** (1) There is created in the state special revenue fund an environmental quality protection fund to be administered as

a revolving fund by the department. The department is authorized to expend amounts from the fund necessary to carry out the purposes of this part.

(2) The fund may be used by the department only to carry out the provisions of this part and for remedial actions taken by the department pursuant to this part in response to a release of hazardous or deleterious substances.

(3) The department shall:

(a) establish and implement a system for prioritizing sites for remedial action based on potential effects on human health and the environment; and

(b) investigate, negotiate, and take legal action, as appropriate, to identify liable persons, to obtain the participation and financial contribution of liable persons for the remedial action, to achieve remedial action, and to recover costs and damages incurred by the state.

(4) There must be deposited in the fund:

(a) all penalties, forfeited financial assurance, natural resource damages, and remedial action costs recovered pursuant to 75-10-715;

(b) all administrative penalties assessed pursuant to 75-10-714 and all civil penalties assessed pursuant to 75-10-711(5);

(c) funds appropriated to the fund by the legislature;

and

(d) funds received from the interest income of the resource indemnity trust fund pursuant to 15-38-202.

(5) Whenever a legislative appropriation is insufficient to carry out the provisions of this part and additional money remains in the fund, the department shall seek additional authority to spend money from the fund through the budget amendment process provided for in Title 17, chapter 7, part 4.

(6) Whenever the amount of money in the fund is insufficient to carry out remedial action, the department may apply to the governor for a grant from the environmental contingency account established pursuant to 75-1-1101.

~~(7)--The-department--shall,--as--provided--in--5-11-210, submit-to-the-legislature-a-complete-financial-report-on-the fund,-including-a-description-of-all-expenditures-made-since the-preceding-report.~~"

Section 36. Section 76-11-203, MCA, is amended to read:

"76-11-203. Direction to state agencies. (1) The department of natural resources and conservation shall develop a plan for completing the soil survey and mapping program in cooperation with and according to the standards set forth by the national cooperative soil survey program and the Montana state agricultural experiment station.

(2) The soil survey plan ~~shall~~ must identify all

projected local participation, all funds available from state and federal agencies, including planning grants, and any and all additional equipment, personnel, facilities, supplies, maps and such other material necessary to complete the soil survey and mapping program.

(3) The soil survey plan ~~shall~~ must determine geographic areas without modern soil survey information and ~~shall~~ must establish in cooperation with the national cooperative soil survey program priorities for completing soil surveys based upon the needs of the geographic areas.

(4) The department of natural resources and conservation shall oversee the plan for completing the soil survey and mapping program and shall report annually on its progress to the governor not later than January 1 of each year ~~and,-as-provided-in-5-11-210,-to-the-legislature.~~"

Section 37. Section 76-12-109, MCA, is amended to read:

"76-12-109. Report to legislature. The board ~~shall~~ may, as provided in 5-11-210, submit to each legislature a report on its designation and acquisition activities."

Section 38. Section 82-11-161, MCA, is amended to read:

"82-11-161. Oil and gas production damage mitigation account -- statutory appropriation. (1) There is an oil and gas production damage mitigation account within the state special revenue fund established in 17-2-102. The oil and gas production damage mitigation account is controlled by

the board.

(2) ~~On July 1, 1991, and at~~ At the beginning of each ~~succeeding~~ biennium, there must be allocated to the oil and gas production damage mitigation account $50,000 from the interest income of the resource indemnity trust fund, except if at the beginning of a biennium the unobligated cash balance in the oil and gas production damage mitigation account:

(a) equals or exceeds $200,000, no allocation will be made; or

(b) is less than $200,000, then an amount less than or equal to the difference between the unobligated cash balance and $200,000, but not more than $50,000, must be allocated to the oil and gas production damage mitigation account from the interest income of the resource indemnity trust fund.

(3) In addition to the allocation provided in subsection (2), there must be deposited in the oil and gas production damage mitigation account:

(a) all funds received by the board pursuant to 82-11-136; and

(b) all fees received by the board from owners of producing wells pursuant to 82-11-162.

(4) If a sufficient balance exists in the account, funds are statutorily appropriated, as provided in 17-7-502, from the oil and gas production damage mitigation account,

upon the authorization of the board, to pay the reasonable costs of properly plugging a well and either reclaiming or restoring, or both, a drill site or other drilling or producing area damaged by oil and gas operations if the board determines that the well, sump, hole, drill site, or drilling or producing area has been abandoned and the responsible person cannot be identified or located or if the responsible person fails or refuses to properly plug, reclaim, or restore the well, drill site, or drilling or producing area within a reasonable time after demand by the board. The responsible person shall, however, pay costs to the extent of ~~his~~ that person's available resources and is subsequently liable to fully reimburse the account or is subject to a lien on property as provided in 82-11-164 for costs expended from the account to properly plug, reclaim, or restore the well, drill site, or drilling or producing area and to mitigate any damage for which ~~he~~ the person is responsible.

(5) Interest from funds in the oil and gas production damage mitigation account accrues to that account.

~~(6) The board shall, as provided in 5-11-210, submit to the legislature a complete financial report on the oil and gas production damage mitigation account, including a description of all expenditures made since the preceding report."~~

Section 39. Section 87-2-724, MCA, is amended to read:

"87-2-724. Auction of Shiras moose license. (1) The commission may issue one male Shiras moose license each year through a competitive auction. The commission shall promulgate rules for the use of the license and conduct of the auction. A wildlife conservation organization involved in the conservation of moose may be authorized by the commission to conduct the license auction, in which case the authorized organization may retain up to 10% of the proceeds of the sale to cover reasonable auction expenses.

(2) All proceeds remaining from the auction, whether conducted by the commission or as otherwise authorized by the commission, must be used by the department for the substantial benefit of moose. The proceeds from the auction must be used in addition to any other funds the department uses for the management of moose. ~~The department shall, as provided in 5-11-210, report to each legislature concerning the use or investment of auction proceeds.~~"

Section 40. Section 90-3-203, MCA, is amended to read:

"90-3-203. Powers and duties of board. The board shall:

(1) make loans in science and technology development projects pursuant to the provisions of this act in the following areas that have potential to stimulate economic development in Montana:

(a) research capability development;

(b) applied technology research;

(c) technology transfer and assistance; and

(d) startup capital or expansion capital projects for development and commercialization of innovative products and processes;

(2) accept grants or receive devises of money or property to be used in Montana for loans made pursuant to this chapter; and

(3) submit to the governor by January 1 of each odd-numbered year or when otherwise requested by the governor ~~at his request and, as provided in 5-11-210, to the legislature~~ a report describing the board's programs and accomplishments."

Section 41. Section 90-4-111, MCA, is amended to read:

"90-4-111. Biennial report. The department shall monitor the grants awarded under 90-4-106 and 90-4-109 and shall, as ~~provided in 5-11-210~~ requested, report its expenditures and other information concerning the implementation and effectiveness of specific projects or programs for which grants were awarded under this part to the ~~legislature~~ environmental quality council."

NEW SECTION. **Section 42.** Repealer. Sections 53-24-210, 69-1-404, 80-12-402, 80-12-403, and 87-5-123, MCA, are repealed.

NEW SECTION. **Section 43.** Codification instruction.

[Section 18] is intended to be codified as an integral part of Title 17, chapter 7, part 1, and the provisions of Title 17, chapter 7, part 1, apply to [section 18].

-End-

STATE OF MONTANA - FISCAL NOTE
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0384, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: The bill removes the requirement that many reports be submitted to the legislature, simplifies reporting procedures for required reports, and reduces the amount of printing of reports.

ASSUMPTIONS:

1. Significantly less agency staff time will be spent in preparing reports no longer considered necessary.
2. Reports now required that are necessary as a part of the budget development process will be incorporated into that process, thereby reducing redundant effort.
3. The amount of printing by state government agencies will be reduced, primarily in even numbered years.
4. Certain requirements for the Governor's Executive Budget book will be eliminated or "cleaned up", but this will not reduce the production and printing expenses.

FISCAL IMPACT:

Printing and copying expenses will be reduced for many state agencies no longer required to prepare reports for members of the legislature. The total impact is not subject to accurate estimate.

Dave Lewis 2-17-93

DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

J.D. Lynch 2/20/93

JOHN "J.D." LYNCH, PRIMARY SPONSOR DATE

Fiscal Note for SB0384, as introduced

SB 384

SENATE BILLS STATUS SHEET

State Admin COMMITTEE

BILL NUMBER	ENTERED COMMITTEE	CONSIDERED	OUT OF COMMITTEE	DP DO PASS	DNP DO NOT PASS	DPAA DO PASS AS AMENDED	DNPAA DO NOT PASS AS AMENDED
SB 203	1-19	2-3		2-5			
SB 204	1-19	2-3					2-8
SB 205	1-19	2-3				2-8	
SB 213	1-20	1-29				2-8	
SB 222	1-20	2-9		2-15			
SB 226	1-20	1-28	tabled 2-11				
SB 262	1-27	2-10				2-15	
SB 276	2-1	2-10		2-15			
SB 281	2-2	2-16	tabled 2-17				
SB 290	2-3	2-15				2-15	
SB 318	2-4	2-16				2-18	
SB 380	2-12	2-18					2-19
SB 384	2-12	2-18				2-19	

F02

MINUTES

MONTANA SENATE
53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By Senator Eleanor Vaughn, on February 18, 1993, at 10:00 a.m.

ROLL CALL

Members Present:

Sen. Eleanor Vaughn, Chair (D)
Sen. Jeff Weldon, Vice Chair (D)
Sen. Jim Burnett (R)
Sen. John Hertel (R)
Sen. Bob Hockett (D)
Sen. Bob Pipinich (D)
Sen. Bernie Swift (R)
Sen. Henry McClernan (D)

Members Excused: None.

Members Absent: Sen. Fritz, Sen. Tveit

Staff Present: David Niss, Legislative Council
Deborah Stanton, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: SB 380, SB 384, SB 385, SJR 19
Executive Action: SB 384, SB 385, SJR 19, SB 380

HEARING ON SJR 19

Opening Statement by Sponsor:

Sen. Rea, Senate District #38, presented SJR 19. SJR 19 is a request by individuals in Three Forks to call on the government to look upon and start a meaningful dialogue with the government of Viet Nam to resolve the fate of Colonel Dean Pogreba. Colonel Pogreba was a native of Three Forks and was shot down in 1965 while on a strike mission in North Viet Nam. His family was never notified but they assumed he was dead. He was listed as missing in action and as of the latter part of last year, in looking through the archives of Hanoi, his military records and his fingerprints were found. They all agree that he was alive. There has been considerable research on the fate of Colonel Pogreba.

Sen. Pipinich said this was one more step in the right direction. Mr. Furhurst commented that it was the opinion of many people in the United States, that we abandoned MIA's and POW's and it was done for political reasons and political extortion.

Closing by Sponsor:

Sen. Rea was not present to close since he had another committee to attend.

HEARING ON SB 384

Opening Statement by Sponsor:

Sen. J.D. Lynch, Senate District #35, presented SB 384. SB 384 is a result of some discussion in Legislative Council about the paper waste of reports that, through the years, have been added to the list of reports to the Legislature. Many of the reports are of no use whatsoever. The reason those are received is because the statutes say "shall be reported to the Legislature." There are some that are necessary and the intent in not to deprive the Legislature of information they might want. The reports that will be eliminated from the requirement to send to the Legislature will still be available to anyone who is interested in them. There will be a large savings by cutting down on the paper coming in the mail.

Proponents' Testimony:

Mr. Person, Executive Director of the Legislative Council, spoke in favor of SB 384. He gave the committee members copies of the amendments (EXHIBIT #2), and copies of text with Table of Contents of the Sections repealed by the bill (EXHIBIT #3). Rep. Cobb introduced HB 231 in 1991 which established a clearinghouse function and assigned a lot of duties related to the reports to the Legislative Council. Rep. Cobb's motivation was to end up with a bill something like SB 384. As the Legislative Council began to try get control of the way the requirements were implemented, there were a number of agencies that have forgotten that these requirements existed. So there were agencies who did not know they had a reporting requirement. Neither the Legislature nor the agencies found the requirement favorable. Those kinds of reports have been made discretionary and much of the information that was required is now run through the budget process. The section that provides the requirement that each agency of state government has to fulfill is information that is presented to the Budget office when they prepare the budget. All of the information submitted to the Budget Office is available for analysis through the office of the Legislative Fiscal Analyst, and it is also public information. It eliminates a tremendous amount of printing of a separate report by that process. There are some reports that are related to separation of power issues which, if there were no report, it may not relate to the budget, but it may relate to a responsibility that one

branch or the other has and the Legislature might not ever have any source of information related to it. Some are one-time only requirements, and some are discretionary, or eliminated. SB 384 eliminates the obsolete requirement of reporting to the Legislature. SB 384 will go into the Clearinghouse function and simplify the process.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

Sen. McClernan asked Mr. Person if there was a list of titles of reports that are proposed to be eliminated. Mr. Person said there was not a list but there is an intention to develop one. Sen. McClernan asked if the agencies whose reports are proposed to be eliminated know about these eliminations. Mr. Person said he had not personally talked to the agencies. A number of the agencies have proposed the eliminations. Some of the agencies still report to the Governor and it is discretionary on the part of the agency to submit a report to the Legislature. It is required if the Legislature asked for it.

Sen. Hockett asked Mr. Person what SB 384 does to the state government reporting system. Mr. Person explained the reports are in a context that goes from ridiculous to important so while a tremendous amount of reporting requirements are being eliminated or changed in some manner by the bill there are additional reporting requirements that are not touched by the bill at all. Mr. Person felt it was useful for members of the Legislature to have easy access to those statutes that are not being affected and that the context of those that are being affected is easily understood.

Sen. Hockett asked if the reports would still be available on a computer with a modem or disks. Mr. Person stated the reports will be available on the Electronic Bulletin Board. The Clearinghouse function has been granted the authority to provide the reports electronically.

Sen. Swift asked if the reports will still be available if desired. Mr. Person said the information will be available. It may not be packaged in a bound report but it will all be available.

Sen. McClernan asked how much work it would take to compile a list. Mr. Person said not much work at all. Sen. McClernan asked if he could have a list. Mr. Person said he will have the list before the bill goes to the floor.

Closing by Sponsor:

Sen. Lynch had to be at another hearing so was not available to close.

HEARING ON SB 380

Opening Statement by Sponsor:

Sen. Devlin, Senate District #13, presented SB 380 which prohibits an elected official from running in mid-term for another public office. The official could resign and run and if that public official's term was over within the year he was running he would also be eligible. As is the case with Governor Racicot. He ran for Governor while he was still the Attorney General but his term was ending before the term as Governor started. A person can run for another judiciary office and continue to serve but SB 380 would provide that someone could not run for another public office without resigning his current position.

Proponents' Testimony:

None.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

Sen. McClernan asked Sen. Devlin if this would apply to local elections. Sen. Devlin said the intent was that it would apply to local elections but the title says "state public office." There is a situation where a U.S. Senator broke in mid-term as a Commissioner and that should be covered also. He said he could not apply to federal offices.

Sen. Hockett asked Sen. Devlin if this would apply to all state elected offices. Sen. Devlin said it would. As in the case of Lt. Governor Kolstad running for U.S. Senate, he would have had to resign to run for the Senate.

Sen. Hockett asked if it applied to the City Councilman who wanted to run for Mayor of a city. Sen. Devlin said it was not a state office but it was a local government office. Sen. Hockett asked if it was a state public officer. Sen. Devlin referred to Mr. Niss. Mr. Niss stated the definition that is referred to on line 25, page 1, defines a public office as a state, county, municipal, school, or other district office that is filled by the people at an election. As it went through the process and that definition was added, the word "state" at the top of the page at the title of line 5 was left in. If Sen. Devlin now means this to apply only to State Public Officers, we need to change the

Sen. Swift commented on the hard work done by Ms. King and her staff and said he would take her word for it instead of reading the entire bill.

Closing by Sponsor:

Sen. Vaughn stated she had nothing more to add except that this recodification was badly needed and she also thanked Ms. King.

EXECUTIVE ACTION ON HJR 19

Motion/Vote: Sen. McClernan moved HJR 19 DO PASS. Motion CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON SB 384

Motion/Vote: Sen. Pipinich moved to amend SB 384. Motion to amend SB 384 CARRIED UNANIMOUSLY.

Motion/Vote: Sen. Swift moved SB 384 DO PASS AS AMENDED. Motion SB 384 DO PASS CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON SB 385

Motion/Vote: Sen. Pipinich moved SB 385 DO PASS. Motion SB 385 DO PASS CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON SB 380

Motion/Vote: Sen. Pipinich moved to amend SB 380. The motion to amend SB 380 CARRIED UNANIMOUSLY.

Sen. Vaughn said we would wait until a later date for further action on SB 380.

ROLL CALL

SENATE COMMITTEE STATE ADMINISTRATION DATE 2-18-93

NAME	PRESENT	ABSENT	EXCUSED
Sen. Eleanor Vaughn	✓		
Sen. Jeff Weldon	✓		
Sen. Jim Burnett	✓		
Sen. Harry Fritz		✓	
Sen. John Hertel	✓		
Sen. Bob Hockett	✓		
Sen. Henry McClernan	✓		
Sen. Bob Pipinich	✓		
Sen. Bernie Swift	✓		
Sen. Larry Tveit		✓	
David Niss	✓		

FC8

Attach to each day's minutes

SENATE STANDING COMMITTEE REPORT

February 18, 1993

MR. PRESIDENT:
We, your committee on State Administration having had under consideration Senate Bill No. 384 (first reading copy -- white), respectfully report that Senate Bill No. 384 be amended as follows and as so amended do pass.

Signed: Senator Eleanor Vaughn
Senator Eleanor Vaughn, Chair

That such amendments read:

1. Title, line 9.
Following: "2-8-208,"
Insert: "2-15-108,"

2. Title, line 10.
Following: "2-18-209,"
Insert: "2-18-301,"
Following: "3-1-702,"
Insert: "5-7-207,"

3. Title, line 11.
Following: "10-4-102,"
Insert: "13-37-120,"
Following: "17-5-1650,"
Insert: "17-6-305,"

4. Title, line 13.
Following: "33-22-1513,"
Insert: "37-1-106,"
Following: "44-2-304,"
Insert: "44-12-206, 44-13-103,"

5. Title, line 15.
Following: "75-1-203,"
Insert: "75-1-324,"
Following: "75-1-1101,"
Insert: "75-10-533,"

6. Title, line 16.
Following: "82-11-161,"
Insert: "85-1-621, 87-2-722,"
Following: "90-3-203,"
Strike: "AND"
Following: "90-4-111,"
Insert: "90-4-606, AND 90-6-304,"

m — Amd. Coord.
___ Sec. of Senate

7. Page 9, line 18.
Insert: "Section 6. Section 2-15-108, MCA, is amended to read:
"2-15-108. Gender and racial balance -- report to legislature. (1) As vacancies occur and appointments are made, all appointing authorities of all appointive boards, commissions, committees, and councils of state government shall take positive action to attain gender balance and proportional representation of minorities resident in Montana to the greatest extent possible.

(2) Pursuant to subsection (1), the secretary of state shall publish in the Montana Administrative Register on a monthly basis the recent appointments made by the executive branch and the upcoming vacancies on executive boards and commissions.

(3) ~~Prior to the 10th legislative day of each regular session, the~~ The governor shall report to the legislature, as provided in 5-11-210, on the progress made toward achieving the goals set forth in this section.""
Renumber: subsequent sections

8. Page 12, line 19.
Insert: "Section 9. Section 2-18-301, MCA, is amended to read:
"2-18-301. Purpose and intent of part -- rules. (1) The purpose of this part is to provide the market-based compensation necessary to attract and retain competent and qualified employees in order to perform the services the state is required to provide to its citizens.

(2) It is the intent of the legislature that compensation plans for state employees, excluding those employees excepted under 2-18-103 or 2-18-104 and excluding employees compensated under 2-18-313, 2-18-314, and 2-18-315, be based on an analysis of the labor market as provided by the department in a salary survey. ~~report to the legislature at the start of each legislative session.~~ The salary survey must be submitted to the office of budget and program planning as a part of the information required by 17-7-111.

(3) Except as provided in 2-18-110 and 2-18-305(4), pay schedules provided for in 2-18-312 through 2-18-315 supersede any other plan or systems established through collective bargaining after the adjournment of the 52nd legislature.

(4) Pay levels provided for in 2-18-312 through 2-18-315 may not be increased through collective bargaining after adjournment of the 52nd legislature.

(5) Total funds required to implement the pay schedules provided for in 2-18-312 through 2-18-315 for any employee group or bargaining unit may not be increased through collective bargaining over the amount appropriated by the 52nd legislature.

(6) The department shall administer the pay program established by the legislature on the basis of merit, internal equity, and competitiveness to external labor markets when fiscally able.

(7) The department may promulgate rules not inconsistent with the provisions of this part, collective bargaining statutes, or negotiated contracts to carry out the purposes of this part."
Renumber: subsequent sections

9. Page 15, line 7.
Insert: "**Section 13.** Section 5-7-207, MCA, is amended to read:

"**5-7-207. Report to legislature.** Beginning with the first Tuesday following the beginning of any regular or special session of the legislature and on the first Tuesday of every month thereafter during which the legislature is in session, the commissioner shall make available from ~~his~~ the commissioner's records a report to each member of each house of the legislature containing the names of lobbyists registered under this chapter, not previously reported, the names of the principals whom they represent as lobbyists, and the subjects of legislation in which each principal is interested."
Renumber: subsequent sections

10. Page 18, line 6.
Insert: "**Section 17.** Section 13-37-120, MCA, is amended to read:

"**13-37-120. Reports.** ~~The commissioner shall at the close of each fiscal year report to the legislature and the governor concerning the action he has taken, including the names, salaries, and duties of all individuals in his employ and the money he has disbursed.~~ The commissioner ~~shall also make further reports~~ may report as necessary on the matters within ~~his~~ the commissioner's jurisdiction that the legislature may prescribe and shall also make recommendations for further legislation that may appear desirable."
Renumber: subsequent sections

11. Page 21, line 24.
Insert: "**Section 21.** Section 17-6-305, MCA, is amended to read:

"**17-6-305. Investment of up to twenty-five percent of coal tax trust fund in Montana economy -- report by board.** (1) Subject to the provisions of 17-6-201(1), the board shall endeavor to invest up to 25% of the permanent coal tax trust fund established in 17-6-203(6) in the Montana economy, with special emphasis on investments in new or expanding locally owned enterprises.

(2) In determining the probable income to be derived from investment of this revenue, the long-term benefit to the Montana economy must be considered.

(3) The legislature may provide additional procedures to implement this section.

(4) The board shall include a report ~~biennially to the legislature~~ on the investments made under this section as a part of the information required by 17-7-111."

Renumber: subsequent sections

12. Page 35, line 10.

Insert: "**Section 30.** Section 37-1-106, MCA, is amended to read:

"**37-1-106. Biennial report ~~to governor and legislature~~.** The department, in cooperation with each licensing board, shall prepare a biennial report. The biennial report of the department shall contain for each board a summary of the board's activities, the board's goals and objectives, a detailed breakdown of board revenues and expenditures, statistics illustrating board activities concerning licensing, summary of complaints received and their disposition, number of licenses revoked or suspended, legislative or court action affecting the board, and any other information the department or board considers relevant. The department shall ~~provide a copy of~~ submit the report to ~~the governor and, as provided in 5-11-210, to the legislature~~ the office of budget and program planning as a part of the information required by 17-7-111."

Renumber: subsequent sections

13. Page 35, line 18.

Insert: "**Section 32.** Section 44-12-206, MCA, is amended to read:

"**44-12-206. Disposition of proceeds of sale -- report.** (1) Whenever property is seized, forfeited, and sold under the provisions of this chapter, the net proceeds of the sale must be distributed as follows:

(a) to the holders of security interests who have presented proper proof of their claims, if any, up to the amount of their interests in the property;

(b) the remainder, if any, to the county treasurer of the county in which the property was seized, who shall establish and maintain a drug forfeiture account and deposit the remainder into the account, except as provided in subsections (1)(c) through (1)(e);

(c) if the property was seized within the corporate limits of a city or town by a law enforcement agency of that city or town, the remainder, if any, to the city or town treasurer, who shall establish and maintain a drug forfeiture account and deposit the remainder into the account, except as provided in subsections (1)(d) and (1)(e);

(d) if the property was seized by an employee of the state, the remainder, if any, to the account established in subsection (3), except as provided in subsection (1)(e); and

(e) if the property was seized as a result of the efforts of more than one law enforcement agency, the remainder, if any, to the accounts required by this subsection (1), pro rata in the proportions represented by the agencies' expenses of investigation, as determined by the attorney general.

(2) All proceeds from any source that are deposited into a county, city, or town drug forfeiture account must in each fiscal year be appropriated to and remain available until expended by the confiscating agency for drug laws enforcement and education concerning drugs.

(3) Net proceeds received by the state under subsections (1)(d) and (1)(e) must be deposited in an account in the state special revenue fund to the credit of the department of justice. The department may expend the money in the account only for purposes of enforcement of drug laws. An amount up to $125,000 each year is statutorily appropriated, as provided in 17-7-502, to the attorney general for enforcement of drug laws. Any expenditure in excess of $125,000 each fiscal year requires approval through budget amendment, as provided in Title 17, chapter 7, part 4.

(4) The attorney general shall provide the ~~legislature~~ legislative finance committee and the legislative auditor with a detailed, written report of the amounts and property credited to the account no later than 4 months after the end of each fiscal year. The attorney general may not disclose any information that would compromise any investigation or prosecution."

Section 33. Section 44-13-103, MCA, is amended to read:

"**44-13-103. Limitations on use of special law enforcement assistance account -- report.** (1) After property is credited to the account, the attorney general may:

(a) transfer the property to any local or state law enforcement agency to be used for criminal investigation purposes;

(b) sell the property by public sale;

(c) destroy any illegal or controlled substances and sell or destroy raw materials, products, and equipment used or intended for use in manufacturing, compounding, or processing a controlled substance;

(d) compromise and pay claims against the property; and

(e) make any other disposition of the property authorized by law.

(2) Money and proceeds from property credited to the account may be used by the attorney general for:

(a) the payment of any expenses necessary to seize, detain, appraise, inventory, safeguard, maintain, advertise, or sell seized, detained, or forfeited property, including but not

limited to payment for contract services and reimbursement to a federal, state, or local agency for its expenses;

(b) the payment of awards for information or assistance leading to a criminal proceeding or a civil forfeiture proceeding;

(c) the compromise and payment of claims against property;

(d) the payment of sums for criminal investigation purposes, including but not limited to:

(i) payment of informants;

(ii) use by undercover agents to purchase unlawful substances, including, without limitation, counterfeit or real controlled substances, pornographic materials, stolen property, or other contraband;

(iii) use by undercover agents as gambling front money; and

(iv) payment of overtime to state or local law enforcement officers when engaged in special criminal investigations;

(e) the payment of funds into the account created by 53-9-109; and

(f) matching federal grants for criminal investigation purposes.

(3) The attorney general shall~~, as provided in 5-11-210,~~ submit to the ~~legislature~~ legislative finance committee and the legislative auditor a detailed written report of the amounts and property credited to the account and of the disposition of money and property credited to the account, but may not make any disclosure that would compromise any investigation or prosecution."

Renumber: subsequent sections

14. Page 47, line 20.

Insert: "Section 42. Section 75-1-324, MCA, is amended to read:

"75-1-324. Duties of executive director and staff. It shall be the duty and function of the executive director and ~~his~~ the staff to:

(1) gather timely and authoritative information concerning the conditions and trends in the quality of the environment, both current and prospective, analyze and interpret such information for the purpose of determining whether such conditions and trends are interfering or are likely to interfere with the achievement of the policy set forth in 75-1-103, and compile and submit to the governor and the legislature studies relating to such conditions and trends;

(2) review and appraise the various programs and activities of the state agencies, in the light of the policy set forth in 75-1-103, for the purpose of determining the extent to which such programs and activities are contributing to the achievement of such policy and make recommendations to the governor and the legislature with respect thereto;

(3) develop and recommend to the governor and the legislature state policies to foster and promote the improvement of environmental quality to meet the conservation, social, economic, health, and other requirements and goals of the state;

(4) conduct investigations, studies, surveys, research, and analyses relating to ecological systems and environmental quality;

(5) document and define changes in the natural environment, including the plant and animal systems, and accumulate necessary data and other information for a continuing analysis of these changes or trends and an interpretation of their underlying causes;

(6) make and furnish such studies, reports thereon, and recommendations with respect to matters of policy and legislation as the legislature requests;

(7) analyze legislative proposals in clearly environmental areas and in other fields where legislation might have environmental consequences and assist in preparation of reports for use by legislative committees, administrative agencies, and the public;

(8) consult with and assist legislators who are preparing environmental legislation to clarify any deficiencies or potential conflicts with an overall ecologic plan; and

(9) review and evaluate operating programs in the environmental field in the several agencies to identify actual or potential conflicts, both among such activities and with a general ecologic perspective, and suggest legislation to remedy such situations;.

~~(10) annually, beginning July 1, 1972, transmit to the governor and the legislature and make available to the general public an environmental quality report concerning the state of the environment, which shall contain:~~

~~(a) the status and condition of the major natural, manmade, or altered environmental classes of the state, including but not limited to the air, the aquatic (including surface water and ground water) and the terrestrial environments, including but not limited to the forest, dryland, wetland, range, urban, suburban, and rural environments;~~

~~(b) the adequacy of available natural resources for fulfilling human and economic requirements of the state in the light of expected population pressures;~~

~~(c) current and foreseeable trends in the quality, management, and utilization of such environments and the effects of those trends on the social, economic, and other requirements of the state in the light of expected population pressures;~~

~~(d) a review of the programs and activities (including regulatory activities) of the state and local governments and nongovernmental entities or individuals, with particular reference to their effect on the environment and on the conservation, development, and utilization of natural resources; and~~

~~(e) a program for remedying the deficiencies of existing programs and activities, together with recommendations for legislation.~~"
Renumber: subsequent sections

15. Page 49, line 21.
Insert: "Section 44. Section 75-10-533, MCA, is amended to read:
"75-10-533. Department to report fees ~~to legislature~~. The department shall~~, as provided in 5-11-210,~~ report to ~~each legislature~~ the office of budget and program planning, as a part of the information required by 17-7-111, the amount collected under this part and 61-3-508 and the cost of administration of this part, except 75-10-520, to date so that any necessary adjustment of the amount of the fee may be made to assure that no more than the actual cost of operation of the program is collected."
Renumber: subsequent sections

16. Page 54, line 25.
Insert: "Section 49. Section 85-1-621, MCA, is amended to read:
"85-1-621. Report ~~to the legislature~~. The department shall prepare a biennial report ~~to the legislature~~ describing the status of the water development program. The report must describe ongoing projects and activities and those which have been completed during the biennium. The report must identify and rank in order of priority the projects for which the department desires to seek congressional authorization and funding and the efforts the department will undertake in attempting to secure such authorization and funding. The report must also describe proposed projects and activities for the coming biennium and recommendations for necessary appropriations. A copy of the report shall be submitted ~~to the president of the senate and the speaker of the house,~~ to ~~the members of~~ the water policy committee established in 85-2-105~~, and, as provided in 5-11-210, to the legislature~~."

Section 50. Section 87-2-722, MCA, is amended to read:
"87-2-722. Auction of mountain sheep license. (1) The commission may issue one male mountain sheep license each year through a competitive auction. The commission shall promulgate rules for the use of the license and conduct of the auction. A wildlife conservation organization involved in the conservation

of mountain sheep may be authorized by the commission to conduct the license auction, in which case the authorized organization may retain proceeds of the sale, not to exceed 10%, to cover reasonable auction expenses.

(2) All proceeds remaining from the auction, whether conducted by the commission or as otherwise authorized by the commission, must be used by the department for the substantial benefit of mountain sheep. The proceeds from the auction must be used in addition to any other funds the department uses for the management of mountain sheep. The department shall report ~~to each legislature concerning~~ the use or investment of auction proceeds to the office of budget and program planning as a part of the information required by 17-7-111."

Renumber: subsequent sections

17. Page 56, line 13.

Insert: "Section 53. Section 90-4-606, MCA, is amended to read:

"90-4-606. ~~Submission to the legislature~~ Program report and recommendations. ~~During the first week of the regular legislative session, the~~ The governor shall submit ~~to the legislature for its approval~~ the proposed projects to be funded by the energy conservation program for the next biennium as a part of the budget required by 17-7-123. ~~In his recommendation, the~~ The governor shall ~~include~~ make available, as provided by [section 23]:

(1) the report prepared by the department;

(2) a description of the improvements to be financed;

(3) the estimated cost of each project and the total cost of the program; and

(4) the proposed method of financing the improvement. If energy conservation program bonds are proposed to be issued to finance the program improvements, the governor shall include within ~~his~~ the report a written statement by the department that the estimated annual energy savings to be derived from the installation of the energy saving equipment or improvements, upon completion, are expected to equal or exceed the annual debt service to be paid on the energy conservation program bonds proposed to be issued to fund the costs of such equipment or improvements."

Renumber: subsequent sections

18. Page 56, line 21.

Insert: "Section 55. Section 90-6-304, MCA, is amended to read:

"90-6-304. Accounts established. (1) There is within the state agency fund type a hard-rock mining impact account. Money is payable into this account from payments made by a mining developer in compliance with the written guarantee from the developer to meet the increased costs of public services and

facilities as specified in the impact plan provided for in 90-6-307. The state treasurer shall draw warrants from this account upon order of the board.

(2) There is within the state special revenue fund a hard-rock mining impact trust account. Within this trust account, there is established a reserve account not to exceed $100,000.

(a) Money within the hard-rock mining impact trust account may be used:

(i) for the administrative and operating expenses of the board, as provided by 90-6-303(4);

(ii) to establish and maintain the reserve account; and

(iii) for distribution to the counties of origin, as provided by 90-6-331(1) and this section.

(b) Money within the hard-rock mining impact trust reserve account may be used for the administrative and operating expenses of the board if:

(i) the revenue provided under 15-37-117(1)(b) is less than the amount appropriated for the administrative and operating expenses of the board; or

(ii) the use of the reserve account revenue is necessary to allow the board to meet its quasi-judicial responsibilities under 90-6-307, 90-6-311, or 90-6-403(3).

~~(c) The board shall report to the legislature any expenditure from the hard-rock mining impact trust reserve account.~~

(3) Money is payable into the hard-rock mining impact trust account under the provisions of 15-37-117. After first deducting the administrative and operating expenses of the board, as provided in 90-6-303, and then establishing and maintaining the reserve account in the amount of $100,000, as provided in subsection (2) of this section, the remaining money must be segregated within the account by county of origin. The state treasurer shall draw warrants from this account upon order of the board."

Renumber: subsequent sections

19. Page 57, lines 1 and 3.
Strike: "18"
Insert: "23"

-END-

Senate Bill No. 384, as amended, Description of Sections

Bill Section	Code Section	Action	Comments: Report Title; Disposition; etc.
1	5-11-210	Amend	Revises Legislative Council report clearinghouse requirements. Reduces abstract to 100 words. Clarifies that reports are not from the Council. Simplifies other language.
2	1-11-204	Amend	Code Commissioner Report. Simplifies submission to Legislative Council only.
3	2-4-411	Amend	Administrative Code Committee Report. Makes reporting discretionary.
4	2-7-104	Amend	Clarifies that revenue estimates or tax policy reports prepared by the Department of Revenue are available to the legislature, committees, and members on request.
5	2-8-208	Amend	Sunrise report for functions instituted by initiative. Makes report available rather than requiring submission.
6	2-15-108	Amend	Gender equity report. Puts the report process under the clearinghouse.
7	2-15-2021	Amend	Removes requirement for Gaming Advisory Council biennial report to be submitted to the legislature.
8	2-18-209	Amend	Comparable Worth Report. Makes reporting discretionary.
9	2-18-301	Amend	Salary Survey. Puts report through the budget process*.
10	2-18-811	Amend	State Employee Group Benefits Plan Annual Report. Puts report through the budget process*.

23		New	Makes all data submitted or compiled in preparation of the budget available on request. Information put through the budget process* by this bill as well as information formerly required to be printed in the budget is included.
24	18-7-303	Amend	State Publications Committee Report. Report is obsolete. Makes it discretionary.
25	19-4-201	Amend	Montana Teachers Retirement System Biennial Report. Puts information through the budget process*.
26	20-9-346	Amend	Biennial Report on School Equalization. Puts report through budget process*.
27	20-25-236	Amend	MSU Research and Extension Efforts in Sustainable Agriculture. Makes report discretionary.
28	20-25-301	Amend	Regents report on Bureau of Mines and Geology. This obsolete requirement is eliminated.
29	33-22-1513	Amend	Report on Premium Tax Offsets. Puts report through the budget process*.
30	37-1-106	Amend	Department of Commerce Licensing Board Biennial Report. Puts report through budget process*.
31	44-2-304	Amend	Report of the Criminal Justice Information Network. Puts report through he budget process*.
32	44-12-206	Amend	Drug Forfeiture Account Report. Report to LFA and Legislative Auditor.
33	44-13-103	Amend	Law Enforcement Assistance Account Report. Report to LFA and Legislative Auditor.
34	53-2-1107	Amend	Job Training Plan Annual Report. Report to Governor only.

48	82-11-161	Amend	Oil and Gas Production Damage Mitigation Account Report. Report requirement eliminated.
49	85-1-621	Amend	Water Development Program Report. Provides report to Water Policy Committee only.
50	85-2-722	Amend	Mountain Sheep Auction Report. Puts through budget process*.
51	85-2-724	Amend	Shiras Moose Auction Report. Eliminates requirement.
52	90-3-203	Amend	Montana Science and Technology Alliance Annual Report. Report to the Governor only.
53	90-4-606	Amend	Energy Conservation Program Report. Puts through budget process*.
54	90-4-111	Amend	Alternate Energy Grant and Loan Program Report. Makes report to EQC discretionary.
55	90-6-304	Amend	Hard Rock Mining Expenditures. Eliminates separate report requirement.
56	53-24-210	Repeal	Report on Implementation of the Uniform Alcoholism and Intoxication Act.
	69-1-404	Repeal	Dept. of Public Service Regulation: Statutorily Required Budget Review.
	80-12-402	Repeal	Montana Agricultural Loan Authority Act Report
	80-12-403	Repeal	Obsolete section related to program
	87-5-123	Repeal	Nongame Wildlife Report
57		Codify	Puts new section 23 into budget statutes.

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Statutes Relating to Senate Bill No. 384

Text of sections repealed 2
53-24-210. Departmental reports to legislature. 2
69-1-404. Annual review by legislative finance committee. 2
80-12-402. Report. 2
80-12-403. Legislative review required. 2
87-5-123. Report. 2

Sections not recommended for amendment 3
2-8-203. Committee review and report. 3
2-8-207. Consolidation of existing boards. 3
3-1-1126. Commission report to legislature. 4
5-5-216. Recommendations of subcommittees. 4
5-18-107. Powers and duties of the committee -- duty to review revenue rules -- legislative oversight of the department of revenue -- committee reports -- revenue estimating and use of estimates. 5
5-18-203. Powers and duties of subcommittee. 6
5-19-108. Duties of the committee. 6
13-13-279. Advisory council assistance -- report to legislature. . 7
22-3-107. Authority of board. 7
13-22-108. Reports. 9
23-7-202. Powers and duties of commission. 9
23-7-203. Legislative liaison committee -- bipartisan -- compensation from lottery fund. 9
23-7-410. Annual audit. 10
39-6-101. Duties of department. 10
39-51-407. Reimbursement of fund by state. 11
46-23-316. Governor's report to legislature. 11
75-7-304. Duties of the commission. 11
85-2-105. Water policy committee. 12
87-1-250. Report. 13

Text of section 17-7-111 13
17-7-111. Agency program budgets -- form distribution and contents. 13

Text of sections repealed

53-24-210. Departmental reports to legislature. The department shall, as provided in 5-11-210, report to the legislature on the status of the implemented chapter. This report or any part thereof may be included as the department's state plan for alcohol abuse and chemical dependency.

69-1-404. Annual review by legislative finance committee. (1) The legislative finance committee shall annually review the department's budget and the calculations made by the department of revenue in the determination of the fee pursuant to 69-1-403.

(2) The legislative finance committee shall, as provided in 5-11-210, report the results of its review to the legislature and shall include in its report any recommendations concerning the manner of funding the department.

80-12-402. Report. The department shall transmit to the governor at least 30 days before each regular legislative session and, as provided in 5-11-210, to the legislature a report:

(1) detailing the operations of the agricultural loan authority program since the adjournment of the last legislature; and

(2) containing a financial statement showing the program's assets and liabilities.

80-12-403. Legislative review required. The agricultural loan authority program must be reviewed by the legislature at the third regular legislative session following the first sale of bonds under the provisions of 80-12-301 to determine whether the program should continue. However, this section does not, in itself, terminate the program, and any existing commitments incurred by the authority are not affected by this review.

87-5-123. Report. The department shall, as provided in 5-11-210, report to each legislature the results of any program using money from the nongame wildlife account and shall list in detail how the money collected was used.

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Sections not recommended for amendment

2-8-203. Committee review and report. (1) Except as provided in subsection (5), the committee shall review and assess the merits of any proposal to:

(a) establish a new licensing board; or

(b) add to the duties of an existing licensing board responsibility for licensing another occupation or profession.

(2) Any proposal subject to review under subsection (1) must be submitted, in the form of a legislative report, to the committee at least 180 days before the first day of the next regular legislative session.

(3) The committee shall conduct the review required by subsection (1) only if the report includes:

(a) the information required by 2-8-204; and

(b) a completed application as provided in 2-8-205.

(4) The committee shall prepare and, as provided in 5-11-210, submit a report to the legislature for its next regular session. The report must include but is not limited to:

(a) the committee's estimate of the cost to the state of licensing the occupation or profession and a proposed schedule of fees that will recover the cost of the licensing program as required by 37-1-134; and

(b) the committee's recommendation as to whether the profession or occupation should be licensed by the state.

(5) The provisions of this part do not apply to an agency, profession, or occupation that is required to be licensed or regulated by federal law.

2-8-207. Consolidation of existing boards. (1) Any person or organization may propose consolidation of two or more existing boards and is considered an applicant. The provisions of 2-8-205(2) through (4) apply to the proposal.

(2) An application for consolidation must:

(a) describe any administrative savings that could result from the proposed consolidation, such as reduced staff time, reduced paperwork, or reduced travel time;

(b) describe the public support that has been shown for the consolidation proposal;

(c) describe how the public will benefit from the consolidation, such as improved quality of service;

(d) describe any other benefits from the consolidation;

(e) describe any positive or negative effects on current or future licensees;

(f) describe the membership of the proposed licensing board and the qualifications of the proposed members;

(g) estimate the yearly cost to the state of administering the consolidated program, including board travel and per diem, personnel costs, materials, testing costs, investigative costs, and other relevant costs;

(h) list the proposed fees to cover the estimated costs of the program and the estimated number of each type of fee, including application fees, examination fees, license fees, and license renewal fees;

(i) describe the proposed period a license will be effective; and

(j) provide draft legislation that meets the bill drafting requirements of the legislative council.

(3) The committee shall weigh the merits of the proposed consolidation against the merits of retaining a separate licensing board for each affected occupation or profession and recommend in its report submitted to the legislature as provided in 5-11-210:

(a) the proposed consolidation;

(b) continuation of the existing licensing boards; or

(c) a modification of the proposed consolidation.

3-1-1126. Commission report to legislature. (1) The commission shall, as provided in 5-11-210, submit to the legislature a report containing the following information:

(a) identification of each complaint, whether or not verified, received by the commission during the preceding biennium by a separate number that in no way reveals the identity of the judge complained against;

(b) the date each complaint was filed;

(c) the general nature of each complaint;

(d) whether there have been previous complaints against the same judge and, if so, the general nature of the previous complaints;

(e) the present status of all complaints filed with or pending before the commission during the preceding biennium; and

(f) whenever a final disposition of a complaint has been made during the preceding biennium, the nature of the disposition, the commission's recommendation, if any, to the supreme court, and the action taken by the supreme court.

(2) The commission must observe the confidentiality provisions of this part in fulfilling the requirements of this section.

5-5-216. Recommendations of subcommittees. A subcommittee appointed for the purpose of making a study designated by the legislative council may make recommendations for legislation. These recommendations and the study report shall be submitted to the legislature as provided in 5-11-210.

5-18-107. Powers and duties of the committee -- duty to review revenue rules -- legislative oversight of the department of revenue -- committee reports --

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revenue estimating and use of estimates. (1) The committee shall review all proposed rules of the department of revenue filed with the secretary of state.

(2) The committee may:

(a) request and obtain the department's rulemaking records for the purpose of reviewing compliance with 2-4-305;

(b) prepare written recommendations for the adoption, amendment, or rejection of a rule and submit the recommendations to the department;

(c) submit oral or written testimony at a rulemaking hearing;

(d) require the department to appear before the committee and respond to the committee's recommendations for the adoption, amendment, or rejection of a rule;

(e) require that a rulemaking hearing be held in accordance with the provisions of 2-4-302 through 2-4-305;

(f) recommend to the legislature the repeal, amendment, or adoption of a rule as provided in 2-4-412;

(g) institute, intervene in, or otherwise participate in proceedings involving the legality of a rule under the Montana Administrative Procedure Act in the state and federal courts and administrative agencies;

(h) review the incidence and conduct of the department's administrative proceedings;

(i) require the department to publish the full or partial text of any pertinent material adopted by reference under 2-4-307;

(j) by an affirmative vote of at least six members of the committee, contract for the preparation of an economic impact statement or require the department to prepare an economic impact statement, following the provisions of 2-4-405;

(k) petition the department to promulgate, amend, or repeal a rule. Within 60 days after submission of a petition, the department shall either deny the petition in writing, stating its reasons for the denial, or shall initiate rulemaking proceedings in accordance with 2-4-302 through 2-4-305.

(l) make written objection to a proposed rule of the department for lack of substantial compliance with 2-4-302 through 2-4-305. The provisions of 2-4-406 govern the objection procedure, the department's response, and the procedure for and effect of publication of the objection in the Montana Administrative Register and the Administrative Rules of Montana.

(m) petition the department for a declaratory ruling as to the applicability of any statutory provision or of any rule or order of the department. A copy of a declaratory ruling must be filed with the secretary of state for publication in the register. A declaratory ruling or the refusal to issue such a ruling is subject to judicial review in the same manner as decisions or orders in contested cases under the Montana Administrative Procedure Act.

(n) petition for judicial review of the sufficiency of the reasons for the department's finding of imminent peril to the public health, safety, or welfare, cited in support of an emergency or temporary rule proposed by the department under 2-4-303; and

(o) require the department to conduct the biennial review of its rules as required in 2-4-314 and report its findings to the committee.

(3) The committee shall exercise legislative oversight of the department of revenue, including without limitation the review of:

(a) proposed budgets;

(b) proposed legislation;

(c) pending litigation; and

(d) major contracts and personnel actions of the department.

(4) The committee may investigate and issue reports on any matter concerning taxation or the department of revenue.

(5) (a) The committee shall have prepared by December 1 for introduction during each regular session of the legislature in which a revenue bill is under consideration an estimate of the amount of revenue projected to be available for legislative appropriation.

(b) The committee's estimate, as introduced in the legislature, constitutes the legislature's current revenue estimate until amended or until final adoption of the estimate by both houses. It is intended that the legislature's estimates and the assumptions underlying the estimates will be used by all agencies with responsibilities for estimating revenues or costs, including the preparation of fiscal notes.

(c) The committee may request the assistance of the staffs of the legislative council, the office of the legislative fiscal analyst, the legislative auditor, the department of revenue, and any other agency that has information regarding any of the tax or revenue bases of the state.

5-18-203. Powers and duties of subcommittee. (1) The coal tax oversight subcommittee may:

(a) review the programs financed by coal severance tax funds; and

(b) consider any matters relating to coal taxation.

(2) The subcommittee shall:

(a) report and make recommendations to the revenue oversight committee; and

(b) as provided in 5-11-210, prepare for the legislature a report on potential uses of the coal tax trust fund to develop a stable, strong, and diversified Montana economy that meets the needs of present and future generations of Montanans while maintaining and improving a clean and healthful environment as required by Article IX, section 1, of the Montana constitution.

5-19-108. Duties of the committee. The committee shall:

(1) seek opinions of and information from Indian tribes, Indian tribal organizations, state agencies, local governments, non-Indians living on or near Indian reservations, and other interested persons and agencies in order to gain insight into Indian/non-Indian relations;

(2) hold hearings both on and off reservations to promote better understanding between tribes and public agencies and to improve both the Indian people's knowledge of the structure of state agencies and the legislative process and the non-Indian people's knowledge of tribal government and institutions;

(3) encourage and foster participation of Indian people at its meetings;

(4) act as a liaison between the Indian people and the legislature;

(5) encourage tribal-state and tribal-local government cooperation and otherwise promote amicable Indian/non-Indian relations;

(6) cooperate with the commissioner of higher education in a study of Indian students in Montana schools; and

(7) as provided in 5-11-210, report its activities, findings, recommendations, and any proposed legislation to the legislature.

13-13-279. Advisory council assistance -- report to legislature. (1) The secretary of state shall adopt the rules required by 13-13-278(1) with the assistance of the secretary's election administrators advisory council, and the advisory council shall assist and advise the secretary in the implementation of 13-13-276 through 13-13-279.

(2) The secretary of state shall by January 1, 1995, prepare a written report to the legislature concerning the implementation of 13-13-276 through 13-13-279 and the activities of the advisory council in implementing 13-13-276 through 13-13-279. The report must:

(a) include copies of rules adopted by the secretary of state in accordance with 13-13-277 and 13-13-278;

(b) contain a detailed summary of the experience of the secretary of state and local election administrators in implementing 13-13-276 through 13-13-279; and

(c) include any recommendations for changes to the applicable laws.

22-3-107. Authority of board. The powers and duties of the trustees are as follows:

(1) to elect annually from among their number a president, a vice-president, and a secretary;

(2) to adopt bylaws for their own government and to make rules, not inconsistent with law, for the proper administration of the society in the interests of preserving the rich heritage of this state and its people;

(3) to appoint a director, fix his salary, and prescribe his duties and responsibilities;

(4) to create such classes of memberships in the society as they deem desirable, to determine the qualifications for any class of membership, and to set the fees to be paid for such memberships;

(5) to sell or exchange publications and other museum or art objects and use the money arising from such sales for the operation of the society and for the acquisition of historical materials and objects of art;

(6) to sell or exchange surplus or duplicate books, surplus museum or art objects or artifacts not pertinent to the region encompassed by the Montana historical society mission and to use the money arising from such sales exclusively for acquisitions of library, art, and museum artifacts;

(7) to see that the collections and properties of the society are maintained in good order and repair;

(8) to report to the governor and, as provided in 5-11-210, the legislature biennially. The report shall include a statement of all important transactions and acquisitions, with suggestions and recommendations for the better realization of the purposes of the society and the improvement of its collections and services.

(9) to accept, receive, and administer in the name of the society any gifts, donations, properties, securities, bequests, and legacies that may be made to the society. Moneys received by donation, gift, bequest, or legacy, unless otherwise provided by the donor, shall be deposited in the state treasury and used for the general operation of the society.

(10) to collect, assemble, preserve, and display, where appropriate, all obtainable books, pamphlets, maps, charts, manuscripts, journals, diaries, papers, business records, paintings, drawings, engravings, photographs, statuary, models, relics, and all other materials illustrative of the history of Montana in particular and generally of the Pacific Northwest, Northern Rocky Mountain, and Northern Great Plains regions and of the United States of America when pertinent;

(11) to procure from pioneers, early settlers, and others narratives of the events relative to the early settlement of Montana, the Indian occupancy, Indian and other wars, overland travel and immigration to the territories of the west, and all other related documents of Montana's history, development, and society;

(12) to gather contemporary information, specimens, and all other materials which exhibit faithfully the distinctive historical and contemporary characteristics of the area, with particular attention to Indian, military, and pioneer artifacts and implements;

(13) to collect and preserve such natural history objects as fossils, plants, minerals, and animals;

(14) to collect and preserve books, maps, manuscripts, and other materials as will tend to facilitate historical, scientific, and antiquarian research;

(15) to promote the study of Montana history by lectures and publications;

(16) to publish a roadside history of Montana with maps, photographs, and text that will enable tourists, citizens, and students to understand the history of the countryside seen from the state's main roads;

(17) to generally foster and encourage the fine arts and cultural activities in Montana;

(18) to receive for and on behalf of the state, by donation or otherwise, art objects of any kind and description and to exhibit and circulate such objects in Montana and elsewhere;

(19) to microfilm papers or documents in danger of disappearance or injury; and

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(20) to coordinate the administration of the historic records network established in 22-3-211.

13-22-108. Reports. (1) Each biennium, the secretary of state shall provide, upon request, a report to the legislature outlining the program's effectiveness in achieving its objectives.

(2) Participating schools and agencies shall provide to the secretary of state information regarding the youth voting program for the secretary of state's report to the legislature.

23-7-202. Powers and duties of commission. The commission shall:

(1) establish and operate a state lottery and may not become involved in any other gambling or gaming;

(2) determine policies for the operation of the state lottery, supervise the director and his staff, and meet with the director at least once every 3 months to make and consider recommendations, set policies, determine types and forms of lottery games to be operated by the state lottery, and transact other necessary business;

(3) maximize the net revenue paid to the superintendent of public instruction and to the board of crime control under 23-7-402 and ensure that all policies and rules adopted further revenue maximization;

(4) subject to 23-7-402(1), determine the percentage of the money paid for tickets or chances to be paid out as prizes;

(5) determine the price of each ticket or chance and the number and size of prizes;

(6) provide for the conduct of drawings of winners of lottery games;

(7) carry out, with the director, a continuing study of the state lotteries of Montana and other states to make the state lottery more efficient, profitable, and secure from violations of the law;

(8) study and may enter into agreements with other lottery states to offer lottery games;

(9) prepare quarterly and annual reports on all aspects of the operation of the state lottery, including but not limited to types of games, gross revenue, prize money paid, operating expenses, net revenue to the state, contracts with gaming suppliers, and recommendations for changes to this part, and deliver a copy of each report to the governor, the department of administration, the legislative auditor, the president of the senate, the speaker of the house of representatives, and each member of the appropriate committee of each house of the legislature as determined by the president of the senate and the speaker of the house; and

(10) adopt rules relating to lottery staff sales incentives or bonuses and sales agents' commissions and any other rules necessary to carry out this part.

23-7-203. Legislative liaison committee -- bipartisan -- compensation from lottery fund. (1) There is a legislative liaison committee.

(2) The liaison committee consists of four legislators. Two members must be from the senate and two members must be from the house of representatives. The speaker of the house and the senate committee on committees shall appoint the members of the liaison committee, and no more than two members may be of the same political party. No legislator who has any ownership interest in any gambling device or establishment may be appointed to the liaison committee.

(3) A member of the liaison committee is entitled to compensation and expenses as provided in 5-2-302, paid from money appropriated to the lottery, while performing his duties as a member of the liaison committee, as provided in subsection (4) of this section.

(4) The liaison committee shall meet once each fiscal year with the commission at Helena and shall, as provided in 5-11-210, report to each legislature on the activities and operations of the state lottery.

23-7-410. Annual audit. The legislative auditor shall conduct or have conducted an annual audit of the state lottery. The costs of the audit must be paid out of the state lottery fund. A copy of the audit report must be delivered to the commission, the director, the governor, the president of the senate, the speaker of the house of representatives, and each member of the appropriate committee of each house of the legislature as determined by the president of the senate and the speaker of the house.

39-6-101. Duties of department. (1) The department of labor and industry shall:

(a) encourage and promote the making of apprenticeship agreements conforming to the standards established by or in accordance with this chapter;

(b) register such apprenticeship agreements as are in the best interests of the apprenticeship and conform to the standards established by or in accordance with this chapter;

(c) keep a record of apprenticeship agreements and, upon performance thereof, issue certificates of completion of apprenticeship;

(d) terminate or cancel any apprenticeship agreements in accordance with the provisions of such agreements; and

(e) provide assistance for the development of on-the-job training programs in nonapprenticeable occupations;

(f) establish standards for apprenticeship agreements in conformity with the provisions of this chapter;

(g) issue such rules as may be necessary to carry out the intent and purposes of this chapter; and

(h) perform such other duties as may be required by federal regulations, provided that such federal regulations are not in conflict with this chapter.

(2) Not less often than once every 2 years, the department shall make a report of its activities and findings to the governor and, as provided in 5-11-210,

to the legislature. The department shall also make the report available to the public.

39-51-407. Reimbursement of fund by state. This state recognizes its obligation to replace, and hereby pledges the faith of this state that funds will be provided in the future and applied to the replacement of any of the money received from the United States or any agency thereof under Title III of the Social Security Act, any unencumbered balances in the unemployment insurance administration account, any money granted to this state pursuant to the provisions of the Wagner-Peyser Act, and any money made available by the state or its political subdivisions and matched by such money granted to this state pursuant to the provisions of the Wagner-Peyser Act which the secretary of labor finds have, because of any action or contingency, been lost or have been expended for purposes other than or in amounts in excess of those found necessary by the secretary of labor for the proper administration of this chapter. Such money shall be promptly supplied by money furnished by the state of Montana or any of its subdivisions for the use of the department and used only for purposes approved by the secretary of labor. The department shall, if necessary, promptly report to the governor and the governor to the legislature, by a letter to the speaker of the house of representatives and the president of the senate, the amount required for such replacement.

46-23-316. Governor's report to legislature. The governor shall, as provided in 5-11-210, report to the legislature each case of remission of fine or forfeiture, respite, commutation, or pardon granted since the last previous report, stating the name of the convict, the crime of which he was convicted, the sentence and its date, the date of remission, commutation, pardon, or respite, with the reason for granting the same, and the objection, if any, of any of the members of the board made thereto.

75-7-304. Duties of the commission. Duties of the commission are:

(1) to monitor the existing condition of natural resources in the basin and coordinate development of an annual monitoring plan. This plan must involve a cooperative strategy among all land and water management agencies within the Flathead basin and identify proposed and needed monitoring which emphasizes but is not limited to the aquatic resources of the Flathead basin.

(2) to encourage close cooperation and coordination between federal, state, provincial, tribal, and local resource managers for establishment of compatible resource development standards, comprehensive monitoring, and data collection and interpretation;

(3) to encourage and work for international cooperation and coordination between the state of Montana and the Province of British Columbia concerning the undertaking of natural resource monitoring and use of consistent standards for management of resource development activities throughout the North Fork Flathead River drainage portion of the Flathead basin;

(4) to encourage economic development and use of the basin's resources to their fullest extent without compromising the present high quality of the Flathead basin's aquatic environment;

(5) to, in the discretion of the commission, undertake investigations of resource utilization and hold public hearings concerning the condition of Flathead Lake and Flathead basin;

(6) to submit to the governor and, as provided in 5-11-210, to the legislature a biennial report that includes:

(a) a summary of information gathered in fulfillment of its duties under this section;

(b) information on monitoring activities within the Flathead basin concerning the condition of the basin's natural resources, with particular emphasis on Flathead Lake;

(c) the identification of land use and land development trends in the Flathead basin;

(d) any recommendations the commission considers appropriate for fulfillment of its duties and for continued preservation of the Flathead basin in the present high quality of its aquatic resources; and

(e) an accounting of all money received and expended, by source and purpose, for the period since the last report; and

(7) to meet at least semiannually within the Flathead basin, alternating the meeting site between the cities of Kalispell and Polson.

85-2-105. Water policy committee. (1) There is a permanent water policy committee of the legislature. The committee consists of eight members. The senate committee on committees and the speaker of the house of representatives shall each appoint four members on a bipartisan basis. The committee shall elect its chairman and vice-chairman. The committee shall meet as often as necessary, including during the interim between sessions, to perform the duties specified within this section.

(2) On a continuing basis, the committee shall:

(a) advise the legislature on the adequacy of the state's water policy and of important state, regional, national, and international developments which affect Montana's water resources;

(b) oversee the policies and activities of the department of natural resources and conservation, other state executive agencies, and other state institutions, as they affect the water resources of the state; and

(c) communicate with the public on matters of water policy as well as the water resources of the state.

(3) On a regular basis, the committee shall:

(a) analyze and comment on the state water plan required by 85-1-203, when filed by the department;

(b) analyze and comment on the report of the status of the state's water development program required by 85-1-621, when filed by the department;

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(c) analyze and comment on water-related research undertaken by any state agency, institution, college, or university;

(d) analyze, verify, and comment on the adequacy of and information contained in the water resources data management system maintained by the department under 85-2-112; and

(e) report to the legislature as provided in 5-11-210.

(4) The environmental quality council shall provide staff assistance to the committee. The committee may contract with experts and consultants, in addition to receiving assistance from the environmental quality council, in carrying out its duties under this section.

87-1-250. Report. The department shall report to the fish and game committee of each house of the legislature concerning upland game bird enhancement activities undertaken pursuant to 87-1-246 through 87-1-249 during the preceding biennium, together with any recommendations concerning the operation of the program.

Text of section 17-7-111

17-7-111. Agency program budgets -- form distribution and contents. (1) In the preparation of a state budget, the budget director shall, not later than July 1 in the year preceding the convening of the legislature, distribute to all state offices and departments, including the judicial branch and the legislative branch, the proper forms necessary for the preparation of budget estimates. These forms shall be prescribed by the budget director to procure the information required by subsection (2).

(2) The agency budget requests, when completed by the budget office, must set forth a balanced financial plan for the agency completing the forms for each fiscal year of the ensuing biennium. The plan must consist of:

(a) a consolidated agency budget summary for current level expenditures and for each modification request setting forth the aggregate figures of the full-time equivalent personnel positions (FTE) and the budget in such manner as to show a balance between the total proposed disbursements and the total anticipated receipts, together with the other means of financing the budget for each fiscal year of the ensuing biennium, contrasted with the corresponding figures for the last completed fiscal year and the fiscal year in progress. The consolidated budget summary must be supported by schedules classifying receipts and disbursements contained therein by fund and, where applicable, organizational unit.

(b) a schedule of the actual and projected receipts, disbursements, and solvency of each accounting entity within each fund for the current and subsequent biennium;

(c) a detailed schedule of receipts, by accounting entity within each fund, indicating classification and source of funds;

(d) an agency schedule summarizing past and proposed spending plans and the means of financing the proposed plan. Information presented shall include the following:

(i) a statement of agency goals and objectives and a statement of goals and objectives for each program of the agency. Such goals and objectives must include, in a concise form, sufficient specific information and quantifiable information to enable the legislature to formulate an appropriations policy regarding the agency and its programs and to allow a determination, at some future date, on whether the agency has succeeded in attaining its goals and objectives. The goals and objectives must contain a list of duties prioritized by the department director to reflect the director's opinion concerning the importance of the duties assigned to the agency by law. Any discretionary programs established by the agency that are not required by law must also be enumerated.

(ii) actual FTE and disbursements for the completed fiscal year of the current biennium, estimated FTE and disbursements for the current fiscal year, and the agency's request for the ensuing biennium, by program; and

(iii) actual disbursements for the completed fiscal year of the current biennium, estimated disbursements for the current fiscal year, and the agency's recommendations for the ensuing biennium, by disbursement category;

(e) any other information the budget director feels is necessary for the preparation of a budget.

(3) The budget director must also prepare and submit to the legislative fiscal analyst in accordance with 17-7-112:

(a) detailed recommendations for the state long-range building program. Each recommendation shall be presented by department, institution, agency, or branch by funding source, with a description of each proposed project; and

(b) the proposed pay plan schedule for all executive branch employees, with the specific cost and funding recommendations for each agency. Submission of a pay plan schedule under this subsection is not an unfair labor practice under 39-31-401.

(4) The board of regents shall submit, with its budget request for each university unit in accordance with 17-7-112, a report on the university system bonded indebtedness and related finances as provided in this subsection (4). The report must include the following information for each year of the biennium, contrasted with the same information for the last completed fiscal year and the fiscal year in progress:

(a) a schedule of estimated total bonded indebtedness for each university unit by bond indenture;

(b) a schedule of estimated revenue, expenditures, and fund balances by fiscal year for each outstanding bond indenture, clearly delineating the accounts relating to each indenture and the minimum legal funding requirements for each bond indenture; and

(c) a schedule showing the total funds available from each bond indenture and its associated accounts, with a list of commitments and planned expenditures from such accounts, itemized by revenue source and project for each year of the current and ensuing bienniums.

MCA Oct. 1992, (c) State of Montana 1976 -- 1992

EXHIBIT 3
DATE 2/18/93
HB 384

BILL NO	REFERRED	HEARING	OTHER CONSIDERATION DATES	EXECUTIVE ACTION/DATE/VOTE	REREFERRED	DATE READ
SB0276	VAN VALKENBURG, FRED 2/23	3/16	INCREASE PENALTY FOR EMPLOYER ATTACHING POLITICAL INFORMATION TO PAYCHECKS	CONCUR AS AMENDED 3/17 VOTE: 11-5		3/17
SB0318	WELDON, JEFF 2/23	3/16	GENERALLY REVISE ELECTION LAWS	CONCUR AS AMENDED 3/18 VOTE: 14-2		3/20
SB0384	LYNCH, J.D. 2/23	3/11	AMENDING LAWS RELATING TO REPORTS TO THE LEGISLATURE	CONCUR AS AMENDED 3/12 VOTE: 16-0		3/13
SB0385	VAUGHN, ELEANOR 2/23	3/09	GENERALLY REVISE AND RECODIFY RETIREMENT LAWS	CONCUR 3/09 VOTE: 16-0		3/10
SB0407	FRITZ, HARRY 2/23	3/09	REVISING REQT'S & OPTIONS RE TEACHERS' RETIREMENT & UNIVERSITY RETIREMENT	CONCUR 3/09 VOTE: 12-4		3/10
SJ0008	LYNCH, J.D. 1/18	3/04	PERMANENT PAPER RESOLUTION	CONCUR 3/04 VOTE: 16-0		3/05
SJ0012	BROWN, BOB 1/28	3/03	JOINT RESOLUTION TO NAME LABOR AND INDUSTRY BUILDING FOR WALT SULLIVAN 3/03	CONCUR 3/04 VOTE: 12-4		3/05
SJ0019	REA, JACK 2/23	3/08	JOINT RESOLUTION SALUTING COLONEL DEAN ANDREW POGREBA; REQUEST INVESTIGATION	CONCUR 3/08 VOTE: 15-1		3/08
SJ0022	HOCKETT, BOB 2/23	3/08	RESOLUTION URGING FED. SUPPORT & FUNDING OF UPPER MISSOURI VISITOR CENTER	CONCUR 3/08 VOTE: 16-0		3/08
SJ0026	PIPINICH, BOB 3/01	3/05	JOINT RESOLUTION URGING RESOLUTION TO CONFLICT IN YUGOSLAVIA	CONCUR 3/05 VOTE: 12-4		3/06
SJ0027	CHRISTIAENS, CHRIS 2/23	3/08	URGE FUNDING FOR LEWIS & CLARK INTERPRETIVE CENTER	CONCUR 3/08 VOTE: 16-0		3/08
SJ0028	DOHERTY, STEVE 4/15	4/16	LEGISLATIVE AUDIT REQUEST --- HARD ROCK BUREAU	CONCUR 4/16 VOTE: 14-0		4/16

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **DICK SIMPKINS, CHAIRMAN,** on March 11, 1993, at 9:07 a.m.

ROLL CALL

Members Present:

Rep. Dick Simpkins, Chairman (R)
Rep. Wilbur Spring, Vice Chairman (R)
Rep. Ervin Davis, Vice Chairman (D)
Rep. Beverly Barnhart (D)
Rep. Pat Galvin (D)
Rep. Harriet Hayne (R)
Rep. Gary Mason (R)
Rep. Brad Molnar (R)
Rep. Bill Rehbein (R)
Rep. Sheila Rice (D)
Rep. Sam Rose (R)
Rep. Carolyn Squires (D)
Rep. Jay Stovall (R)
Rep. Norm Wallin (R)

Members Excused: Rep. Bob Gervais; Rep. Dore Schwinden

Members Absent: None.

Staff Present: Sheri Heffelfinger, Legislative Council
Dorothy Poulsen, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing: SB 100; SB 213; SB 268; SB 384
Executive Action: None.

HEARING ON SB 268

Opening Statement by Sponsor:

SEN. J. D. LYNCH, Senate District 35, Butte, introduced SB 268 which requires that voter registration forms be provided at the time of application for hunting and fishing licenses. He stated the bill had been changed in order to eliminate any burden on hunting and fishing license vendors.

right to not change their home residences to their school residences and could choose to vote in their hometown. He asked how the student would know he/she was required to list a home residential address rather than a post office box. **Mr. Kerwin** agreed some people might not realize a residential address was required on the form. **REP. SIMPKINS** recommended "required" be included on the next printing of the forms.

REP. ROSE asked **Mr. Kerwin** how a rural student would give a legal description for their residential address. **Mr. Kerwin** reported the forms would be changed to explain how to register and the information needed.

REP. SPRING asked **Mr. Kerwin** how the law would prevent fraudulent voting. **Mr. Kerwin** responded voters must vote where they reside. **REP. SPRING** asked **Mr. Kerwin** whether there was the possibility of abuse. **Mr. Kerwin** responded no. **REP. SPRING** reported he had constituents who felt otherwise. **REP. SIMPKINS** suggested to **Mr. Kerwin** that he had no way to verify whether a person was registered and voting in more than one county. **Mr. Kerwin** agreed.

REP. SIMPKINS asked **Mr. Kerwin** whether witnesses who did not understand the requirements of the law would be signing the registration forms. **Mr. Kerwin** agreed it was possible.

REP. BARNHART asked **Mr. Kerwin** whether the mail-in voter registration forms required a witness. **Mr. Kerwin** responded yes.

Closing by Sponsor:

SEN. LYNCH stated the bill would make it more convenient for people to register to vote and asked for the committee's approval.

HEARING ON SB 384

Opening Statement by Sponsor:

SEN. J. D. LYNCH, Senate District 35, Butte, introduced SB 384 on behalf of the Legislative Council. The bill revises the statutes governing reports to the legislature. He said the intent of the bill was to reduce the number of publications sent to members of the legislature. He said at one time standard practice in drafting bills was to require a report to the legislature; now legislators received numerous documents, many of which are unnecessary. He said the bill would streamline the process, reduce waste, and save money.

Proponents' Testimony: None.

Opponents' Testimony: None.

Informational Testimony:

Sheri Heffelfinger, Legislative Council, distributed a bill summary and a list of documents affected by the bill. **EXHIBIT 1**

Larry Finch, Office of Research and Information, Department of Revenue, proposed amendments to SB 384 to eliminate the requirement for the biennial report for improvements in the state tax system and for the revenue estimate report. **EXHIBIT 2**

Bob Person, Executive Director, Legislative Council, stated the Legislative Council had recommended SB 384. He stated the bill simplified and reduced the number of required reports to the legislature. He explained some reports were identified as obsolete and eliminated by the bill; other reports were made discretionary; only reports considered essential to the legislature were retained in the bill. He noted all reports were available, but the bill removed distribution requirements.

Questions From Committee Members and Responses:

REP. SIMPKINS asked **Mr. Person** whether amendments proposed by the Department of Revenue would inhibit the revenue-estimating process. **Mr. Person** responded the amendments would not inhibit the function.

REP. SIMPKINS asked **Mr. Finch** whether the governor's office had approved the amendments. **Mr. Finch** responded the Budget Office prepares the revenue estimate report, and the Department of Revenue would provide whatever information they needed for the report.

Closing by Sponsor:

SEN. LYNCH thanked the committee.

HEARING ON SB 100

Opening Statement by Sponsor:

SEN. GARY FORRESTER, Senate District 49, Billings, introduced SB 100 by request of the Department of Administration to define the term "designated smoking area"; restrict all smoking in state buildings to designated smoking areas; change from mandatory to discretionary the establishment of designated smoking areas; and revise responsibility for designating smoking areas and placing signs.

Proponents' Testimony:

Deborah Fulton, Administrator, General Services Division, Department of Administration, stated the division was responsible for administering buildings in the Capitol complex and approving

HOUSE OF REPRESENTATIVES

STATE ADMINISTRATION COMMITTEE

ROLL CALL DATE 3/11/93

NAME	PRESENT	ABSENT	EXCUSED
REP. DICK SIMPKINS, CHAIR	✓		
REP. WILBUR SPRING, VICE CHAIR	✓		
REP. ERVIN DAVIS, VICE CHAIR	✓		
REP. BEVERLY BARNHART	✓		
REP. PAT GALVIN	✓		
REP. BOB GERVAIS			✓
REP. HARRIET HAYNE	✓		
REP GARY MASON	✓		
REP. BRAD MOLNAR	✓		
REP. BILL REHBEIN	✓		
REP. SHEILA RICE	✓		
REP. SAM ROSE	✓		
REP. DORE SCHWINDEN			✓
REP. CAROLYN SQUIRES	✓		
REP. JAY STOVALL	✓		
REP. NORM WALLIN	✓		

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By DICK SIMPKINS, CHAIRMAN, on March 12, 1993, at 9:08 a.m.

ROLL CALL

Members Present:

Rep. Dick Simpkins, Chair (R)
Rep. Wilbur Spring, Vice Chair (R)
Rep. Ervin Davis, Vice Chair (D)
Rep. Beverly Barnhart (D)
Rep. Pat Galvin (D)
Rep. Bob Gervais (D)
Rep. Harriet Hayne (R)
Rep. Gary Mason (R)
Rep. Brad Molnar (R)
Rep. Bill Rehbein (R)
Rep. Sheila Rice (D)
Rep. Sam Rose (R)
Rep. Dore Schwinden (D)
Rep. Jay Stovall (R)
Rep. Norm Wallin (R)

Members Excused: Rep. Carolyn Squires

Members Absent: None.

Staff Present: Sheri Heffelfinger, Legislative Council
Dorothy Poulsen, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing:	None.
Executive Action:	HB 615; SB 203; SB 130 (tabled); SB 186; SB 100 (postponed); SB 268 (tabled); SB 384

EXECUTIVE ACTION ON SB 203

Discussion:

REP. SIMPKINS reported he had discussed SB 203 with **REP. SCHYE** and expressed his concern about the possibility of costly

REP. DAVIS stated he understood the bill allows a smoke-free building to have a designated smoking area.

REP. SIMPKINS suggested further action on the bill be postponed.

REP. RICE withdrew her motion to concur in SB 100.

EXECUTIVE ACTION ON SB 268

Motion: **REP. GERVAIS MOVED SB 268 BE CONCURRED IN.**

Discussion:

REP. DAVIS said he wanted to make sure voter registration cards included a residential address.

REP. ROSE complained the Secretary of State's office agreed to everything. He described SB 268 as the most ridiculous bill he has seen and objected to having game wardens asking people to register to vote.

Motion: **REP. ROSE MADE A SUBSTITUTE MOTION THAT SB 268 BE NOT CONCURRED IN.**

Discussion:

REP. DAVIS said the bill does not require vendors who sell hunting and fishing licenses to register voters. He said the bill only requires the vendors to have voter registration cards available. **REP. STOVALL** stated the bill says "must be made available". **REP. DAVIS** agreed.

Vote: **SB 268 BE NOT CONCURRED IN.** Motion carried 9 to 7 on a roll call vote with **REPS. DAVIS, BARNHART, GALVIN, GERVAIS, RICE, SCHWINDEN,** and **SQUIRES** voting no and **REPS. SQUIRES, BARNHART, WALLIN, MOLNAR,** and **SIMPKINS** voting by proxy. **EXHIBITS 2, 7, 11, 12**

Motion/Vote: **REP. REHBEIN MOVED SB 268 BE TABLED.** Motion carried 9 to 7 with **REPS. DAVIS, BARNHART, GALVIN, GERVAIS, RICE, SCHWINDEN,** and **SQUIRES** voting no and **REPS. SQUIRES, BARNHART, WALLIN, MOLNAR,** and **SIMPKINS** voting by proxy. **EXHIBITS 2, 7, 12**

EXECUTIVE ACTION ON SB 384

Motion: **REP. STOVALL MOVED SB 384 BE CONCURRED IN.**

Discussion:

Ms. Heffelfinger reported the Department of Revenue had proposed an amendment to SB 384 which would repeal the requirement that revenue estimates and fiscal reports be provided to the governor

and legislature. She said Bob Person, Legislative Council, asked her to report that the Legislative Council agreed with eliminating the revenue estimates but would not want the fiscal reports to the legislature to be eliminated. She proposed an alternative, compromise amendment from the Legislative Council. **EXHIBITS 13, 14**

Motion: **REP. MASON** moved to amend SB 384. **EXHIBIT 15**

Discussion:

REP. ROSE asked why the Department of Revenue wanted to eliminate the revenue estimates and fiscal reports. **Ms. Heffelfinger** referred the question to **Larry Allen, legal counsel, Department of Revenue. Mr. Allen** explained the department had proposed repealing the requirement because the Budget Office actually prepares the reports. He said the department currently supplies the Budget Office with the necessary information and would continue to do so. He said the amendment would codify current practice.

REP. ROSE reported he had difficulty last summer in getting an accurate estimate of the deficit and thought someone should be responsible for the information. **Mr. Allen** asked **REP. ROSE** whether he had asked the Budget Office or the Department of Revenue. **REP. ROSE** answered he had asked the Department of Revenue. **Mr. Allen** explained that while the department has the data, they depend on the Budget Office to do the actual reports.

REP. SPRING asked **Mr. Allen** whether there was a better process than current practice to address the problems encountered by **REP. ROSE. Mr. Allen** said he did not know of a better way.

Ms. Heffelfinger clarified there were two parts of the section, one dealing with revenue estimating and one with the study of fiscal problems and tax structures. **REP. DAVIS** noted there was a revenue oversight committee which oversees both of these activities.

Vote: **SB 384 BE AMENDED.** Motion carried unanimously with **REPS. SQUIRES, SIMPKINS,** and **BARNHART** voting by proxy. **EXHIBITS 2, 7, 12**

Motion/Vote: **REP. STOVALL MOVED SB 384 BE CONCURRED IN AS AMENDED.** Motion carried unanimously with **REPS. SQUIRES, SIMPKINS,** and **BARNHART** voting by proxy. **EXHIBITS 2, 7, 12**

HOUSE OF REPRESENTATIVES

STATE ADMINISTRATION COMMITTEE

ROLL CALL DATE 3/12/93

NAME	PRESENT	ABSENT	EXCUSED
REP. DICK SIMPKINS, CHAIR	✓		
REP. WILBUR SPRING, VICE CHAIR	✓		
REP. ERVIN DAVIS, VICE CHAIR	✓		
REP. BEVERLY BARNHART	✓		
REP. PAT GALVIN	✓		
REP. BOB GERVAIS	✓		
REP. HARRIET HAYNE	✓		
REP GARY MASON	✓		
REP. BRAD MOLNAR	✓		
REP. BILL REHBEIN	✓		
REP. SHEILA RICE	✓		
REP. SAM ROSE	✓		
REP. DORE SCHWINDEN	✓		
REP. CAROLYN SQUIRES			✓
REP. JAY STOVALL	✓		
REP. NORM WALLIN	✓		

HOUSE STANDING COMMITTEE REPORT

March 12, 1993
Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that Senate Bill 384 (third reading copy -- blue) be concurred in as amended .

Signed: _____
Dick Simpkins, Chair

And, that such amendments read: Carried by: Rep.Simpkins

1. Page 8, line 5.
Strike: "estimate"
Insert: "studies"

2. Page 8, lines 6 through 8.
Strike: "prepare" on line 6 through "continuously" on line 8

-END-

Committee Vote:
Yes 11a, No 1.

561643SC.Hpf

Amendments to Senate Bill No. 384
Third Reading Copy

For the Committee on House State Administration

Prepared by Sheri S. Heffelfinger
March 10, 1993

1. Title, line 20.
Following: "SECTIONS"
Insert: "2-7-104,"

2. Page 21, lines 18 through 21.
Strike: ", with" on line 18 through "legislature" on line 21

3. Page 73, line 1.
Following: "Sections"
Insert: "2-7-104,"

Department of Revenue Explanation

Reason for Amendments:

The first amendment conforms the title with the third amendment.

The second amendment eliminates the requirement that the biennial report made by the Department of Revenue include recommendations for improvements in the state tax system. Recommendations for improvements in the state system of taxation are made by the Revenue Oversight Committee. The Department makes it recommendations to the Revenue Oversight Committee.

The third amendment avoids duplication, by eliminating the legal requirement that a revenue estimate report be made by the Department of Revenue. The revenue estimate report is currently, and has been historically, prepared by the Governor's Budget Office.

Staff comment: For the Committee's information, this is the section repealed by amendment 3:

2-7-104. Revenue estimate -- report to governor and legislature. The director of revenue shall prepare revenue estimates of state revenue from all sources and shall continuously study fiscal problems and tax structures of state and local governments and submit the studies to the governor and, as provided in 5-11-210, to the legislature.

EXHIBIT 13
DATE 3/12/93
HB SB 384

Amendments to Senate Bill No. 384
Third Reading Copy

For the Committee on House State Administration

Prepared by Sheri S. Heffelfinger
March 11, 1993

Legislative Council Suggestion:
Modification of DOR Amendment

1. Page 8, line 5.
Strike: "estimate"
Insert: "studies"

2. Page 8, lines 6 through 8.
Strike: "prepare" on line 6 through "continuously" on line 7

EXHIBIT 14
DATE 3/12/93
HB SB384

Amendments to Senate Bill No. 384
Third Reading Copy

For the Committee on House State Administration

Prepared by Sheri S. Heffelfinger
March 11, 1993

1. Page 8, line 5.
Strike: "estimate"
Insert: "studies"

2. Page 8, lines 6 through 8.
Strike: "prepare" on line 6 through "continuously" on line 8

EXHIBIT 15
DATE 3/12/93
HB SB 384